



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Implement the
Commission's Procurement Incentive
Framework and to Examine the Integration of
Greenhouse Gas Emissions Standards into
Procurement Policies.

Rulemaking 06-04-009

**OPENING COMMENTS OF
PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) ON
JOINT STAFF PROPOSAL FOR A GREENHOUSE GAS
REPORTING PROTOCOL UNDER AB 32**

CHRISTOPHER J. WARNER

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6695
Facsimile: (415) 972-5220
E-Mail: CJW5@pge.com

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Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

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I. INTRODUCTION

Pursuant to the ruling of the Administrative Law Judges dated June 12, 2007 (ALJs' Ruling), Pacific Gas and Electric Company (PG&E) provides its opening comments on the joint CPUC-CEC staff proposal (Joint Staff Proposal) for a greenhouse gas (GHG) reporting protocol under AB 32. PG&E's comments are organized in the following sections below: (1) An "executive summary;" (2) Responses to the specific questions contained in the ALJs' Ruling; and (3) Detailed comments on the Joint Staff Proposal.

In addition to filing these comments at the CPUC and CEC, PG&E is also filing comments directly with the California Air Resources Board (ARB) pursuant to the request of CARB staff in connection with the June 21, 2007, CARB workshop on reporting protocols.

At the outset, PG&E commends CPUC and CEC staff for their extensive and detailed work and analysis on an exceedingly complex and difficult implementation topic under AB 32, the attribution of GHG emissions characteristics to unspecified

energy imports from out-of-state powerplants. This analysis extends back in time to the early work by CEC staff under the power content labeling program, and extends forward through the extensive discussions on unspecified and system energy in connection with the implementation of the SB 1368 GHG emissions performance standard at the CPUC and CEC beginning in 2006. In this proceeding, the task is even more important and complex, because it affects not only the methods for ongoing reporting of GHG emissions, but reporting methods here also may affect the determination of 1990 baseline emissions from the electric sector and the fundamental effectiveness of AB 32 in creating incentives for the replacement of high emitting power technologies and sources with lower emitting sources. Although PG&E may not agree with the Joint Staff Proposal in every respect, we very much appreciate the level of empirical and complex analysis that it contains.

As is discussed in more detail below, in one crucial respect, PG&E is unable to comment on the Joint Staff Proposal because of the lack of technical detail, documentation and validation. This is where the Joint Staff Proposal goes beyond recommendations on reporting protocols, and recommends actual default emissions rates or factors that would apply to emissions from unspecified sources, such as unspecified in-state energy purchases and imports from the Northwest and Southwest. PG&E believes it is premature and outside the scope of the reporting protocols for the Joint Staff Proposal to recommend actual default emissions rates. Such default emissions rates are of enormous importance in the design of AB 32's emissions limits, and are inextricably tied to the design of markets for the trading of emissions allowances. AB 32 does not require nor provide for the CPUC, CEC or CARB to establish actual default

emissions rates as part of the scope of developing neutral, objective reporting protocols. For these reasons, PG&E recommends that the numerical default emissions rates and factors included in the Joint Staff Proposal be deleted, and instead the CPUC, CEC and CARB should convene additional workshops at which alternative proposals for such default emissions rates can be discussed and subject to review and evaluation by all interested parties.

In addition to the mechanics of reporting under AB 32, key among the issues that must be addressed prior to establishing reporting protocols for sources and categories of sources in the electric sector is coordination of reporting protocols with other states in the West that transmit and deliver power to and from California. Interstate leakage and inequity among reporting standards and GHG regulatory programs can only be mitigated if California, including the CPUC, CEC and CARB, works proactively with other states in the West to ensure that protocols on emissions reporting and calculation associated with imported and exported power are consistent and accurate for the region as a whole.

II. EXECUTIVE SUMMARY

The key points in PG&E's comments are summarized as follows:

- PG&E supports the criteria outlined by the Joint Proposal for developing reporting protocols. However, PG&E recommends two additional criteria that should be used. First, the entity with the most direct responsibility for managing or operating a facility that is an emissions source be the preferred entity with reporting responsibility under AB 32, because the more direct the reporting responsibility, the more likely reported emissions are to be more accurate and less costly. Second, reporting should support and not adversely affect or deter the

development of efficient and robust commercial power markets throughout the West. A wide variety of products and services is needed to serve California electricity consumers and businesses, including unspecified, system energy and capacity products that help ensure the reliability and adequacy of resources needed “to keep the lights on” in California cost-effectively.

- Consistent with these additional criteria, PG&E recommends that emissions be reported directly by powerplant facility managers or operators or by the sellers of power from those facilities into California, rather than indirectly by retail providers who purchase the output from those facilities. This direct reporting approach should apply regardless of whether the ultimate point of regulation under AB 32 is chosen to be the retail provider under a “load-based cap” or the “first seller” under the approach recommended by the Market Advisory Committee. Under either point of regulation, the reporting of emissions will be by the entity with the closest link to the generation facility and thus the most direct operational and management responsibility for the emissions attributable to power generated or delivered into California.
- PG&E recommends that the Joint Staff Proposal delete its recommendations for specific numerical emissions rates where estimates of emissions are required, such as for unspecified imports from the Northwest and Southwest and unspecified generation inside California. In PG&E’s view, insufficient information and data are available in the

Joint Staff Proposal to determine whether the recommended numerical rates and factors are the most accurate, fair and verifiable that can be developed at the current time, and whether they are developed in the context of an overall market design and in the context of the soon-to-be-implemented Market Design and Technology Upgrade (MRTU) which will affect power markets supervised by the California Independent System Operator (CAISO). In addition, the development of objective reporting protocols does not require that the CPUC, CEC or CARB recommend the actual emissions quantities that will be generated by the reporting itself. PG&E instead recommends that further workshops be scheduled to discuss and allow for comment by interested parties on the various sources of data and calculations that would support the emissions rates and factors.

- PG&E recommends that the Joint Staff Proposal include a more detailed analysis of how the California proposals are to be structured to ensure consistency and equity with reporting proposals in other Western states, particularly in those states that have signed a GHG Memorandum of Understanding with California. California and states that deliver power to and from California should implement uniform and consistent methodologies for quantification of emissions associated with power imports and exports. The Joint Staff Proposal should take into account and evaluate such multi-state efforts and seek to promote interstate

uniformity and consistency to the maximum extent possible.¹

III. RESPONSE TO ADMINISTRATIVE LAW JUDGES' SPECIFIC QUESTIONS

1. Are the criteria for assessing reporting protocols identified in Section 2.3 of the report appropriate, and does the Staff proposal adequately comply with what you view as appropriate criteria?

PG&E RESPONSE:

PG&E agrees that the criteria listed in Section 2.3 of the Joint Staff Proposal are appropriate. However, PG&E recommends that two additional criteria should be included as well: First, reporting responsibility should be assigned to parties with the most operational or management control that corresponds to responsibility for implementing health, environmental and safety rules for the facility that is the source of the greenhouse gas emissions that are being reported.² This would apply without regard to whether the point of regulation under AB 32 is the retail provider or the first seller, because in either case, direct reporting by operators or managers of emitting facilities would be more accurate than indirect reporting by retail providers. Second, reporting should support and not adversely affect or deter the development of efficient and robust commercial power markets throughout the West. A wide variety of products and

¹ Other states are looking to California to set the pace for how quantification and reporting in conjunction with a multi-state climate registry should proceed. However, it is not clear how the Joint Staff Proposal and CARB's development of reporting protocols under AB 32 is being coordinated with the multi-state registry effort, which California and the California Climate Registry have endorsed. California's actions on reporting protocols should promote consistency in how each state quantifies and reports its GHGs. A patchwork of non-uniform quantification and reporting methodologies could cause a delay in federal or regional action on climate change. Moreover, California has an opportunity to shape the protocols that may be used widely in states across the country. Thus, PG&E recommends that the Joint Staff Proposal make clear how the AB 32 reporting protocols will be developed in coordination with the multi-state and national GHG registry initiatives.

² "DRAFT REGULATORY CONCEPTS – Mandatory Reporting of GHGs for the Power/Utilities Sector," ARB Staff, June 13, 2007, sections 1, 3.A, 6.A, B and C.

services is needed to serve California electricity consumers and businesses, including access to unspecified, system energy and capacity products that support efficient use of available resources, with attendant cost, reliability and potential environmental benefits.³

With respect to the first additional criterion, this means that operators or managers of powerplants that emit GHGs should be the reporting entities under AB 32, not the equity owners or third parties who have no day-to-day responsibility for facility operations or management. What this also should mean is that where deliveries or imports of power from out-of-state powerplants are involved, the California party who has the most direct responsibility for deliveries of power from the emitting facility should be the reporting entity. In PG&E's view, this would be the first party selling or delivering the power into California, because that party has the most direct commercial relationship with the ultimate operator or manager of the facility itself.⁴

In order to ensure that the reporting protocols support continued development of an efficient and reliable commercial power market in the West, it is critical that the greenhouse gas price externalities be internalized into commercial electricity transactions without negatively impacting commercial tools that enhance reliability. Reporting should not be designed to discourage system contracts. Unspecified energy, whether from in-state or out-of-state sources, is an extremely important part of providing

³ As one example, when power is bid into a pool with a load-based cap, a retail provider may not know whether the source of the power was in-state, with one designated emissions rate, or out-of-state, with a different designated emissions rate.

⁴ The indirect reporting protocol recommended by the Joint Staff Proposal has significant practical and commercial impediments as well, because retail providers generally have no direct oversight over the operation or management of emitting facilities or the commercial arrangements for the sale of the output of such facilities where the retail provider is not the "first seller" of the output into California. These impediments make the reliability and auditability of emissions reported by retail providers less than emissions directly reported by the facilities themselves or the first sellers of the output of those facilities into California.

reliable, cost-effective electricity to PG&E's customers. This is because suppliers are becoming more product-oriented to match buyer needs. This means many sellers are not asset owners (their offered products often will be system based or not otherwise based only on a single unit or facility. For example, resource adequacy as a stand alone product facilitates energy can be bought and sold separately from the units or emitting facilities themselves. Financially settled energy products generally have added to the efficiency of energy procurement.

In order to support the continued development of these diverse and reliable power markets, the AB 32 reporting protocols should focus on direct reporting to the maximum extent available, and where direct reporting is not available, the entity with the most direct responsibility for the emitting facility or unit should be responsible for reporting, because this is consistent with the allocation of responsibilities and price signals for the commercial transactions in the relevant power markets.

2. Should the intent be to design a reporting protocol that could be adopted directly by other states in the region and, if so, are modifications to the Staff proposal needed for this purpose?

PG&E RESPONSE:

PG&E agrees that one of the most important criteria for the reporting protocols should be expandability for use with any regional or national reporting protocol that may be developed subsequently. In this regard, PG&E believes it is much more likely that a regional or national GHG regulatory program will be "source based," rather than "load based," because the most legally and economically efficient means of regulating GHG emissions from stationary sources, such as powerplants, is to regulate those sources directly, not indirectly through load serving entities and pools. This is also consistent

with the continuous emissions monitoring systems established by the federal government and the states for consistent and uniform reporting of emissions of other criteria air pollutants. For these reasons and because “source-based” reporting is more likely to be the preferred method for national or regional GHG reporting programs, AB 32’s reporting protocol should be designed to replicate as closely as possible a “source-based” reporting of GHGs and other air pollutants that can be used without regard to whether the point of regulation is load-based or source-based.

3. How do the proposed reporting requirements including, in particular, the use of estimates, affect the integrity of greenhouse gas (GHG) emission allowances and do the requirements have implications on the ability to trade GHG emission allowances with other regimes?

PG&E RESPONSE:

Given how large a percentage of electric sector GHG emissions under AB 32 are attributable to imports of unspecified energy for which facility-specific measurements are likely to be unavailable, the use of inaccurate estimates for such emissions can have a distortive impact on the integrity of GHG emissions allowances and the entire GHG regulatory program, at least for the electric sector. In addition, including imported power in the AB 32 regulatory program, whether the imports are specified or unspecified, creates a potentially irreconcilable conflict between California’s regulatory program and any national or regional “cap and trade” program if the sources of imported power are regulated directly. This is because California’s regulation of power imports from out-of-state GHG emissions sources would effectively “double count” the emissions from such facilities. In turn, this “double counting” problem would distort the value and pricing of emissions allowances in GHG trading markets, because the two or more different regulatory standards (California and non-Californian) may result in an

artificially high demand for allowances, increasing costs to customers with questionable environmental benefit.

Even if California retail provider purchases were tracked as being in-state or out-of-state under the reporting protocol, bids in power markets for out-of-state resources would internalize a CO2 price under a source-based cap, while in-state resources may not, leading to inconsistent and inefficient pricing in Western power markets as between California and non-California resources.

PG&E believes that the most effective way for California's AB 32 program to anticipate and resolve this potential problem is to implement a "first seller" point of regulation and reporting as recommended by the Market Advisory Committee. Under a "first seller" approach, if and when a national or regional GHG program is enacted with source-specific reporting, power imports would no longer need to be reported by first sellers and tracked by regulators in multiple states, while in-state sellers would continue to be regulated as they are under traditional source-based air pollution regulations.

4. Would adoption of any part of the Staff proposal require changes to any existing Public Utilities Commission and/or Energy Commission policies or the adoption of new policies by either agency?

PG&E RESPONSE:

The Joint Staff Proposal is a proposal for implementing CARB's regulatory responsibilities under AB 32, and thus neither the CPUC nor the Energy Commission would have any responsibility for implementing the proposed GHG reporting protocols. Thus, no changes to either agency's policies or authorizing statutes would be needed.

5. In addition to any technical, policy, or other concerns, does the Staff proposal raise any legal issues?

PG&E RESPONSE:

The Joint Staff Proposal raises one implementation issue that has potential legal implications: To the extent the Joint Staff Proposal would make retail providers legally responsible for reporting GHG emissions from sources, such as powerplants and other facilities, over which the retail providers have no managerial or operating responsibility, the proposal may be inconsistent with the statutory requirements of AB 32, which apply to “sources” of emissions, not to third parties who are not the sources of emissions.⁵

PG&E believes this potential legal issue can be avoided by limiting the AB 32 reporting requirements of retail providers to the facilities that those retail providers operate or manage, such as their own powerplants, or to facilities that they have the most direct contractual relationship with as “first sellers” of the power imported from such facilities if they are located out of state.⁶

6. Are modifications to the Staff proposal needed to support implementation of the recommendations in the Market Advisory Committee’s draft report, in particular, the “first seller” structure?

PG&E RESPONSE:

As discussed in more detail in Section IV, below, the Joint Staff Proposal can be significantly simplified and improved by applying the GHG reporting requirements

⁵ Health and Safety Code sections 38530(b)(1) and (2), distinguishing between “reporting” from “sources and “account[ing]” from “retail sellers.”

⁶ PG&E notes that even reporting by “first sellers” involves estimation and verification difficulties, because first sellers also may not have direct operating or management responsibility for the facilities whose emissions they are reporting. However, first sellers have a more direct relationship with such facilities than retail providers.

directly to “first sellers” of unspecified power generated inside and outside the State, rather than to retail providers who only have an indirect relationship with the sources of such unspecified emissions. However, as PG&E has noted, the direct source specific reporting approach could be applied without regard to whether the point of regulation is the first seller or the load-serving entity.

IV. SPECIFIC COMMENTS ON JOINT STAFF PROPOSAL

For convenience of review, PG&E’s specific comments are organized based on Table ES-1 in the Joint Staff Proposal, which summarizes the staff’s recommendations on how various sources of emissions should be reported.

Following our line-by-line discussion of Table ES-1, PG&E also provides specific comments on other reporting issues addressed in the Joint Staff Proposal, including mechanics of reporting, frequency of reporting, requirements for verification, certification of third-party auditors, and methods to address potential contract shuffling and leakage.

Finally, PG&E’s comments address the need to reconcile the reporting protocols with other important AB 32 implementation details, including the methodology for establishing 1990 baseline emissions from the electric sector.

A. Summary of PG&E Comments on Table ES-1 Recommendations

Table ES-1 highlights the complications, assumptions, and various steps necessary to make a load based cap function. In order for California electricity consumers to be more certain of the accuracy of the emissions which they will be paying for, PG&E has suggested modifications in each section in the report for alignment with the “first seller” approach recommended by the Market Advisory Committee. At the

same time, however, these modifications to the proposed reporting protocols can and should be applied without regard to whether the point of regulation is the first seller or the load serving entity.

To summarize PG&E's recommended approach for reporting under either a first seller or load-based cap point of regulation, in-state generators will have no further reporting obligations beyond what CARB is proposing in its Draft Reporting Methodology, under which such generators report their emissions directly to CARB.⁷ Importers of electricity (e.g. wholesale sellers, marketers, LSEs, out-of-state utilities selling power into California) will be responsible for reporting power imports directly to CARB as well. Those imports that are not assigned emissions from an out-of-state specified source would be assigned the Northwest or Southwest unspecified marginal generation emissions values. E-tags and settlement documents can be used to substantiate the imports, but other methods will be available to differentiate imports from specified energy imports, such as applicable California control area remote generation (e.g. Intermountain) or unit-specific imports from cross-state control areas (e.g. PacifiCorp).

An adjusted all in method for wholesale sales will not be necessary under the direct reporting approach because generators and first sellers in the state are the reporting entities, including wholesale sellers.

B. In-state Specified Sources

The Joint Staff Proposal recommends that retail providers report emissions from in-state specified sources by using the pre-existing reporting protocols for direct source-

⁷ "DRAFT REGULATORY CONCEPTS – Mandatory Reporting of GHGs for the Power/Utilities Sector," ARB Staff, June 13, 2007.

specific reporting of GHG emissions under the ARB's existing source-based reporting protocols. (Joint Staff Proposal, p. 29.) PG&E agrees with this approach, except that the operators or managers of the facilities should report directly to ARB, not the retail providers. PG&E also recommends that CEC and CPUC staff review the specific generating unit reporting protocols recommended by the ARB staff in their June 13, 2007, "white paper." (See "DRAFT REGULATORY CONCEPTS – Mandatory Reporting of GHGs for the Power/Utilities Sector," ARB Staff, June 13, 2007, sections 1, 3.A, 6.A, B and C.) While PG&E does not agree with ARB staff's recommendation that retail providers report emissions based on power purchases, PG&E believes that overall the ARB white paper provides useful detail on source-specific reporting protocols consistent with pre-existing criteria air pollutant reporting methods and requirements.

PG&E also notes that direct reporting of emissions by in-state facilities and by "first sellers" from out-of-state facilities, instead of from retail providers, eliminates the need for the complex reporting protocols to take into account wholesale sales by retail providers. (See Joint Staff Proposal, pp, 25- 28.)

C. Out-of-state Specific Sources

The Joint Staff Proposal recommends that retail providers report emissions from out-of-state specific sources, including unit-specific contracts as well as out-of-state powerplants that are owned or operated by in-state retail providers. (Joint Staff Proposal, p. 29.) Specified claims would apply to importer owned generation, preconstruction PPAs, long-term contracts, and RPS eligible imports. Consistent with the "first seller" proposal by the Market Advisory Committee as well as the existing facility-specific reporting protocols used by the ARB for other air emissions, PG&E recommends that

the California owners or operators of out-of-state powerplants or “first sellers” under such unit-specific contracts be designated as the reporting entities, not retail providers. In many cases, the “first seller” or powerplant owner or operator will be the same as the retail provider, but in other cases it could be a marketer or an in-state load serving entity.

D. CAISO Real-time Energy Pool and Integrated Forward Market

The Joint Staff Proposal recommends that a default factor be used to estimate the emissions attributable to purchases by retail providers from the CAISO real-time energy pool or Integrated Forward Market, because data is not available on the emissions attributes of purchases from these two pools. However, if the “first seller” approach is used for reporting, the “line of sight” problem with calculating emissions from the CAISO pools is significantly mitigated, and therefore emissions can be reported by first sellers *before* the power is bid into the pools. This is one of the largest advantages of the first seller approach in that it minimizes uncertainty by eliminating the problem of unspecified purchases within California. Thus, neither the 900 lbs/MWh for the real time market nor the 1000 lbs/MWh for the other instate unspecified purchases are necessary.

If the first seller approach is not used as the point of regulation, then PG&E agrees that an emissions estimate or factor would be needed. As discussed above, PG&E does not have sufficient information to comment on whether the numerical factors recommended by the Joint Staff Proposal are accurate, valid or supportable. PG&E does note that under a load-based cap, retail providers will not know whether power bid into the pool is sourced inside or outside of the state, casting doubt on which emissions rate is appropriate to use. PG&E recommends that further public proceedings be held and detailed technical information be discussed among interested parties before

any actual factors or rates are established. In any event, the actual numerical rates and factors are not a “critical path” requirement for establishing the reporting protocols themselves.

Finally, under a load-based cap, both in-state and out-of-state resources will have an incentive to structure unit-specific contracts for low emitting resources and bid into the pool for resources whose emissions rates are higher than the default rate. Under a first seller approach, the scope of this problem is mitigated because limited to out-of-state resources.

For these reasons, PG&E recommends that the Joint Staff Proposal eliminate the CAISO default factor indirect approach, and instead use the more direct, accurate first seller approach for attributing the emissions to sales into the CAISO pools.

E. Other In-state Unspecified Sources

The Joint Staff Proposal also recommends using a default factor for estimating emissions from power purchased from other in-state unspecified sources. This is needed under a load-based cap but not a first seller approach. PG&E, as stated, believes it is premature to develop such a default emissions rate outside of the context of an overall market design. In any event, a default emission factor for California, even if needed under a load-based cap, should not be the CEC’s net system power number as it currently exists. The net system power process was established for the power content label and would need to be reexamined if it were to be considered for use in the GHG context, including impacts on commercial practices and least-cost dispatch. As discussed above, further proceedings should be held before a numerical emissions factor or rate is chosen for in-state unspecified sources, because the current information available to review alternatives for setting such a rate or factor is incomplete.

F. Out-of-state Specified Sellers

The Joint Staff Proposal recommends that where an out-of-state seller is selling power into California that can be attributed to a specific pool or portfolio of resources, that the specific emissions from the pool or portfolio be permitted to be used for reporting purposes. (Joint Staff Proposal, pp. 12- 13, 16.). PG&E believes it is premature to set an emissions rate on this basis, and that such claims should be evaluated in the context of the electric market in which they are operating.

G. Northwest and Southwest Unspecified Marginal Generation

PG&E supports the use of the CEC definitions for the definition of the Northwest and Southwest regions. Ex ante default emissions factors for the Northwest and Southwest should be used for imports of unspecified power from these regions. Under PG&E's recommended more direct reporting approach, retail providers and purchasers of out of state unspecified electricity would not track generation to the host control area, because the emissions would be reported by the first seller using the default marginal generation factors. This would be the case whether the point of regulation is a load-based cap or the first seller. Out of state unspecified electricity transactions generally occur at a hub or delivery point for delivery at that hub, and the use of the first in-state hub or delivery point for determining the first seller who must report is auditable. The transaction occurs without regard to where the power originates, but the seller and delivery point are documented in the seller's financial settlements.

While NERC e-tags can be used for California as a whole to derive a sense of where electricity imports originate, they do not need to be used to verify individual transactions. Under the more direct reporting approach, the reporting of emissions and attribution of emissions characteristics related to imports is based on contractual and

operational relationships which are documented in the financial settlements used by the seller. NERC e-tags can be used to help substantiate which entities are importing power into California, but the primary source of emissions reporting would be the direct documentation of the contractual parties first importing the power into California, the “first sellers.”

As discussed above, although the more direct approach for reporting unspecified imports should be adopted, the calculation of actual numerical default emissions rates or factors should be postponed until further proceedings can be held in which the validity of various alternative factors or rates can be discussed and evaluated.

H. Miscellaneous Comments

The definitions and covered entities under the reporting protocols should include the “first seller,” consistent with the recommendations of the Market Advisory Committee. The definition used by the Market Advisory Committee can be used, with slight revision for consistency with existing facility-specific reporting protocols used by the ARB, as follows: “The “first seller’ is either the manager or operator of the California powerplant facility, or the importing contractual party who first sells the power for delivery at a point in California, depending whether the electricity is from in-state or out-of-state generation.” Conforming changes to the definitions and covered entities should be made to substitute the first seller or facility operator or manager as the reporting entity, instead of the retail provider.

I. Comments on Reporting Mechanics

The Joint Staff Proposal recommends that the frequency of emissions reporting initially be on an annual basis, rather than more frequently, such as quarterly. (Joint Staff Proposal, p. 34.) PG&E believes that the frequency of reporting may have a significant

impact on the design and viability of emissions trading markets under a “cap and trade” program, because the availability of emissions data will provide market participants with material information on demand for emissions allowances. For this reason, PG&E recommends that the frequency of reporting be determined in conjunction with the design of market based mechanisms under AB 32, including a “cap and trade” program, and therefore the reporting protocols should keep this issue open.

The Joint Staff Proposal also recommends the use of third party verification for emissions reporting, using verification methods developed by the ARB. (Joint Staff Proposal, p. 34; see also “Greenhouse Gas Mandatory Emissions Reporting – Power/Utilities Sector Third Technical Discussion,” Presentation by ARB Staff, June 21, 2007, slides 36- 44.) PG&E agrees that a verification program, including third party audits, will be useful and essential to the reporting program. In this regard, PG&E is familiar with the types of readily available documentation in the power sector, including financial settlements documentation, that can be used to verify and audit the reporting of GHG emissions by first sellers and facilities operators. PG&E is also familiar with secondary sources of information, such as E-tags and CAISO and balancing authority records, that can provide useful backup data for verification and audit purposes. PG&E is available to assist CPUC, CEC and ARB staff in identifying such documentation and information for use in the emissions reporting verification program.

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V. CONCLUSION

For the reasons stated above, the Joint Staff Proposal on reporting protocols under AB 32 should be revised as recommended by PG&E in these opening comments.

Respectfully Submitted,

CHRISTOPHER J. WARNER

By: _____/s/_____
CHRISTOPHER J. WARNER

Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-6695
Facsimile: (415) 972-5220
E-Mail: CJW5@pge.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: July 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of **“OPENING COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) ON JOINT STAFF PROPOSAL FOR A GREENHOUSE GAS REPORTING PROTOCOL UNDER AB 32”** on the parties listed in the official service list for R.04-04-009 by

- transmitting an e-mail message with the document attached to each party on the official service list providing an email address; or
- by first-class mail, postage prepaid, to each party on the official service list not providing an email address.

Executed on July 2, 2007, at San Francisco, California.

/s/
MARTIE L. WAY

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Standards into Procurement Policies.

Rulemaking 06-04-009

1hunsake@arb.ca.gov;abb@eslawfirm.com;abonds@thelen.com;achang@nrdc.org;adamb@greenlining.org;aeg@cpuc.ca.gov;agc@cpuc.ca.gov;agrimaldi@mckennalong.com;ajkatz@mwe.com;akbar.jazayeri@sce.com;akelly@climatetrust.org;alan.comnes@nrgenergy.com;aldyn.hoekstra@paceglobal.com;amsmith@sempra.com;andrew.bradford@constellation.com;andrew.mcallister@energycenter.org;andy.vanhorn@vhcenergy.com;anginc@goldrush.com;annabelle.malins@fco.gov.uk;annette.gilliam@sce.com;arno@recurrentenergy.com;asmindel@knowledgeinenergy.com;atrial@sempra.com;atrowbridge@daycartermurphy.com;Audra.Hartmann@Dynergy.com;aulmer@water.ca.gov;aweller@sel.com;bbaker@summitblue.com;bbeebe@smud.org;bblevins@energy.state.ca.us;bcragg@goodinmacbride.com;bdcapo@caiso.com;Betty.Seto@kema.com;bhpotts@michaelbest.com;bill.chen@constellation.com;Bill.Lyons@shell.com;billschrand@swgas.com;bjeider@ci.burbank.ca.us;bjl@bry.com;bjonas@mjbardley.com;bkc7@pge.com;bmc@mccarthyllaw.com;bmcquown@reliant.com;bpurewal@water.ca.gov;brabe@umich.edu;brbarkovich@earthlink.net;brenda.lemay@horizonwind.com;burtraw@rff.org;C_Marnay@1b1.gov;californiadockets@pacificorp.com;carla.peterman@gmail.com;carter@ieta.org;case.admin@sce.com;cathy.karlstad@sce.com;cbaskette@enernoc.com;cbreidenich@yahoo.com;cchen@ucsusa.org;cem@newsdata.com;cft@cpuc.ca.gov;chilen@sppc.com;chrism@mid.org;cjw5@pge.com;ckmitchell1@sbcglobal.net;clark.bernier@rlw.com;clyde.murley@comcast.net;cmkehrein@ems-ca.com;colin.petheram@att.com;cpe@cpuc.ca.gov;cpechman@powereconomics.com;cswoollums@midamerican.com;curt.barry@iwpnews.com;curtis.kebler@gs.com;cynthia.schultz@pacificorp.com;daking@sempra.com;Dan.adler@calcef.org;dansvec@hdo.net;dave.millar@ttemi.com;dave@ppallc.com;david@branchcomb.com;dbrockett@navigantconsulting.com;dbrooks@nevp.com;deb@aklaw.com;deborah.slone@doj.ca.gov;dehling@king.com;Denise_Hill@transalta.com;dhecht@sempratrading.com;dhuard@manatt.com;diane_fellman@fpl.com;dietrichlaw2@earthlink.net;dil@cpuc.ca.gov;dks@cpuc.ca.gov;dmacmill@water.ca.gov;douglass@energyattorney.com;dsh@cpuc.ca.gov;dsoyars@sppc.com;dtibbs@aes4u.com;dwang@nrdc.org;dwood8@cox.net;echiang@elementmarkets.com;edm@cpuc.ca.gov;egw@a-klaw.com;ej_wright@oxy.com;ek@a-klaw.com;ekgrubaugh@iid.com;ell5@pge.com;elvine@lbl.gov;emahlon@ecoact.org;emello@sppc.com;emmurphy@mwe.com;epoole@adplaw.com;e-recipient@caiso.com;etiedemann@kmtg.com;ewanless@nrdc.org;ewolfe@resero.com;ez@pointcarbon.com;farrokh.albuyeh@oati.net;filings@a-klaw.com;fjs@cpuc.ca.gov;fluchetti@ndep.nv.gov;freedman@turn.org;gbarch@knowledgeinenergy.com;george.hopley@barcap.com;ghinners@reliant.com;GloriaB@anzaelectric.org;glw@eslawfirm.com;gmorris@emf.net;gottstein@volcano.net;greg.blue@sbcglobal.net;gregory.koiser@constellation.com;grosenblum@caiso.com;gsmith@adamsbroadwell.com;gx12@pge.com;harveyederpspc.org@hotmail.com;hayley@turn.org;hcronin@water.ca.gov;hgolub@nixonpeabody.com;hoerner@redefiningprogress.org;hurlock@water.ca.gov;hyao@semprautilities.com;hym@cpuc.ca.gov;info@calseia.org;jack.burke@energycenter.org;james.keating@bp.com;janill.richards@doj.ca.gov;jarmstrong@gmsr.com;jason.dubchak@niskags.com;jbw@slwplc.com;jchamberlin@strategicenergy.com;jci@cpuc.ca.gov;JDF1@PGE.COM;jdh@eslawfirm.com;jeanne.sole@sfgov.org;jeffgray@dw.com;jen@cnt.org;jenine.schenk@apses.com;jennifer.porter@en

ergycenter.org; JerryL@abag.ca.gov; jesus.arredondo@nrgenergy.com; jf2@cpuc.ca.gov; jgill@caiso.com; jhahn@covantaenergy.com; jimross@r-c-s-inc.com; jj.prucnal@swgas.com; jjensen@kirkwood.com; jkarp@winston.com; jkloberdanz@semprautilities.com; jlaun@apogee.net; jleslie@luce.com; jluckhardt@downeybrand.com; jm3@cpuc.ca.gov; jody_london_consulting@earthlink.net; Joe.paul@dynegy.com; john.hughes@sce.com; johnredding@earthlink.net; jol@cpuc.ca.gov; josephhenri@hotmail.com; joyw@mid.org; jsanders@caiso.com; jscancarelli@flk.com; jsqueri@gmssr.com; jst@cpuc.ca.gov; jtp@cpuc.ca.gov; julie.martin@bp.com; jwiedman@goodinmacbride.com; jxa2@pge.com; karen.mcdonald@powerex.com; karen@klindh.com; Kathryn.Wig@nrgenergy.com; kbowen@winston.com; kcolburn@sympioticstrategies.com; kdusel@navigantconsulting.com; keith.mccrea@sablawa.com; kelly.barr@srpnet.com; ken.alex@doj.ca.gov; ken.alex@doj.ca.gov; kerry.hattevik@mirant.com; kevin.boudreaux@calpine.com; kfox@wsgr.com; kgriffin@energy.state.ca.us; kjsimonsen@ems-ca.com; kkhoja@thelenreid.com; klatt@energyattorney.com; kmills@cfbf.com; kmkiener@fox.net; kowalewskia@calpine.com; krd@cpuc.ca.gov; kswain@powereconomics.com; kyle.l.davis@pacificorp.com; kyle.silon@ecosecurities.com; kyle_boudreaux@fpl.com; lars@resource-solutions.org; Laura.Genao@sce.com; lcottle@winston.com; ldecarlo@energy.state.ca.us; leilani.johnson@ladwp.com; liddell@energyattorney.com; lisa.c.schwartz@state.or.us; lisa.decker@constellation.com; lisa_w_einzimer@platts.com; llorenz@semprautilities.com; llund@commerceenergy.com; lmh@eslawfirm.com; loe@cpuc.ca.gov; lpark@navigantconsulting.com; lrdevanna-rf@cleanenergysystems.com; lrm@cpuc.ca.gov; lschavrien@semprautilities.com; marcel@turn.org; mary.lynch@constellation.com; maureen@lennonassociates.com; mclaughlin@braunlegal.com; mdjoseph@adamsbroadwell.com; meg@cpuc.ca.gov; meridith.strand@swgas.com; mflorio@turn.org; mgarcia@arb.ca.gov; mhyams@sfwater.org; mike@climateregistry.org; mjd@cpuc.ca.gov; Mlungi@energycoalition.org; mmattes@nossaman.com; mmazur@3phases.com; monica.schwebs@bingham.com; mpa@a-klaw.com; mrw@mrwassoc.com; mscheibl@arb.ca.gov; mts@cpuc.ca.gov; myuffee@mwe.com; nenbar@energy-insights.com; ner@cpuc.ca.gov; nes@a-klaw.com; nlenssen@energy-insights.com; norman.furuta@navy.mil; notice@psrec.coop; npedersen@hanmor.com; nsuetake@turn.org; nwhang@manatt.com; obarto@smud.org; obystrom@cera.com; ofoote@hkcf-law.com; pburmich@arb.ca.gov; pduvair@energy.state.ca.us; pepper@cleanpowermarkets.com; phanschen@mofo.com; Philip.H.Carver@state.or.us; philm@scdenergy.com; plusk@wecc.biz; ppettingill@caiso.com; pseby@mckennalong.com; psp@cpuc.ca.gov; pssed@adelphia.net; pthompson@summitblue.com; pw1@cpuc.ca.gov; rachel@ceert.org; ralph.dennis@constellation.com; randy.howard@ladwp.com; rapcowart@aol.com; rhelgeson@scppa.org; rhwisner@lbl.gov; richards@mid.org; rick_noger@praxair.com; rita@ritanortonconsulting.com; rkeen@manatt.com; rkmoore@gswater.com; rmccann@umich.edu; robert.pettinato@ladwp.com; roger.montgomery@swgas.com; roger.pelote@williams.com; rogerv@mid.org; rprince@semprautilities.com; rschmidt@bartlewells.com; rsmutny-jones@caiso.com; ryan.flynn@pacificorp.com; S1L7@pge.com; saeed.farrokhpay@ferc.gov; samuel.r.sadler@state.or.us; Sandra.ely@state.nm.us; sas@a-klaw.com; sasteriadis@apx.com; sbeatty@cwclaw.com; sberlin@mccarthy-law.com; scarter@nrdc.org; scohn@smud.org; scott.tomashefsky@ncpa.com; scottanders@sandiego.edu; scr@cpuc.ca.gov; sellis@fypower.org; sendo@ci.pasadena.ca.us; sephra.ninow@energycenter.org; sgm@cpuc.ca.gov; slins@ci.glendale.ca.us; sls@a-klaw.com; smichel@westernresources.org; smk@cpuc.ca.gov; snewsom@semprautilities.com; sscb@pge.com; ssmyers@att.net; steve@schiller.com; steven.huhman@morganstanley.com; steven.schleimer@barclayscapital.com; steven@iepa.com; steven@moss.net; suh@cpuc.ca.gov; svongdeuane@semprasolutions.com; sv6@pge.com; tam@cpuc.ca.gov; tcarlson@reliant.com; tcx@cpuc.ca.gov; tdarton@pilotpowergroup.com; tdillard@sierrapacific.com; THAMILTON5@CHARTER.NET; thunt@cecmail.org; tiffany.rau@bp.com; tim.hemig@nrgenergy.com; todil@mckennalong.com; tomb@crossborderenergy.com; trdill@westernhubs.com; troberts@sempra.com; vb@pointcarbon.com; vjw3@pge.com; vwelch@environmentaldefense.org; wbooth@booth-law.com; westgas@aol.com; wsm@cpuc.ca.gov; wtasat@arb.ca.gov; www@eslawfirm.com; ygross@sempraglobal.com; zap@cpuc.ca.gov;

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CALIFORNIA ENERGY MARKETS

517-B POTRERO AVE
SAN FRANCISCO CA 94110
Email: cem@newsdata.com
Status: INFORMATION

CALIFORNIA ISO

LEGAL AND REGULATORY DEPARTMENT
151 BLUE RAVINE ROAD
FOLSOM CA 95630
Email: e-recipient@caiso.com
Status: INFORMATION

CASE ADMINISTRATION

SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., RM. 370
ROSEMEAD CA 91770
Email: case.admin@sce.com
Status: INFORMATION

MICHAEL P. ALCANTAR ATTORNEY

ALCANTAR & KAHL, LLP
120 MONTGOMERY ST, STE 2200
SAN FRANCISCO CA 94104
FOR: Cogeneration Association of California
Email: mpa@a-klaw.com
Status: APPEARANCE

KEN ALEX

PO BOX 944255
1300 I ST, STE 125
SACRAMENTO CA 94244-2550
FOR: People of the State of California
Email: ken.alex@doj.ca.gov
Status: STATE-SERVICE

SCOTT J. ANDERS RESEARCH/ADMINISTRATIVE DIRECTOR

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW
5998 ALCALA PARK
SAN DIEGO CA 92110
Email: scottanders@sandiego.edu
Status: INFORMATION

JEANNE B. ARMSTRONG ATTORNEY

GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP
505 SANSOME ST, STE 900
SAN FRANCISCO CA 94111
FOR: Wild Goose Storage, LLC
Email: jarmstrong@gmssr.com
Status: APPEARANCE

MRW & ASSOCIATES, INC.

1814 FRANKLIN ST, STE 720
OAKLAND CA 94612
Email: mrw@mrwassoc.com
Status: INFORMATION

DAN ADLER DIRECTOR, TECH AND POLICY DEVELOPMENT

CALIFORNIA CLEAN ENERGY FUND
5 THIRD ST, STE 1125
SAN FRANCISCO CA 94103
Email: Dan.adler@calcef.org
Status: INFORMATION

FARROKH ALBUYEH VICE PRESIDENT

OPEN ACCESS TECHNOLOGY INTERNATIONAL INC
SUITE 910
1875 SOUTH GRANT ST
SAN MATEO CA 94402
Email: farrokh.albuyeh@oati.net
Status: INFORMATION

MAHLON ALDRIDGE

ECOLOGY ACTION
PO BOX 1188
SANTA CRUZ CA 95060
Email: emahlon@ecoact.org
Status: INFORMATION

CATHIE ALLEN CA STATE MGR.

PACIFICORP
825 NE MULTNOMAH ST, STE 2000
PORTLAND OR 97232
Email: californiadockets@pacificorp.com
Status: INFORMATION

JASMIN ANSAR

PG&E
MAIL CODE B24A
PO BOX 770000
SAN FRANCISCO CA 94177
Email: jxa2@pge.com
Status: INFORMATION

JESUS ARREDONDO

NRG ENERGY INC.
4600 CARLSBAD BLVD.
CARLSBAD CA 92008
Email: jesus.arredondo@nrgenergy.com
Status: INFORMATION

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SAKIS ASTERIADIS

APX INC

1270 FIFTH AVE., STE 15R

NEW YORK NY 10029

Email: sasteriadis@apx.com

Status: INFORMATION

ELIZABETH BAKER

SUMMIT BLUE CONSULTING

1722 14TH ST, STE 230

BOULDER CO 80304

Email: bbaker@summitblue.com

Status: INFORMATION

GARY BARCH

FELLON-MCCORD & ASSOCIATES, INC.

SUITE 2000

9960 CORPORATE CAMPUS DRIVE

LOUISVILLE KY 40223

Email: gbarch@knowledgeinenenergy.com

Status: INFORMATION

BARBARA R. BARKOVICH

BARKOVICH & YAP, INC.

44810 ROSEWOOD TERRACE

MENDOCINO CA 95460

Email: brbarkovich@earthlink.net

Status: INFORMATION

KELLY BARR MANAGER, REGULATORY AFFAIRS &
CONTRACTS

SALT RIVER PROJECT

PO BOX 52025, PAB 221

PHOENIX AZ 85072-2025

FOR: Salt River Project Agricultural Improvement and
Power District

Email: kelly.barr@srpnet.com

Status: APPEARANCE

CURT BARRY

717 K ST, STE 503

SACRAMENTO CA 95814

Email: curt.barry@iwpnews.com

Status: INFORMATION

OBADIAH BARTHOLOMY MECHANICAL ENGINEER
SACRAMENTO MUNICIPAL UTILITY DISTRICT

M.S. B257

6201 S. ST

SACRAMENTO CA 95817

Email: obarto@smud.org

Status: INFORMATION

CARMEN E. BASKETTE CORPORATE DEVELOPMENT
PRINCIPAL

594 HOWARD ST., STE 400

SAN FRANCISCO CA 94105

FOR: EnerNoc, Inc.

Email: cbaskette@enernoc.com

Status: INFORMATION

R. THOMAS BEACH

CROSSBORDER ENERGY

2560 NINTH ST, STE 213A

BERKELEY CA 94710-2557

FOR: the California Cogeneration Council

Email: tomb@crossborderenergy.com

Status: APPEARANCE

SEAN P. BEATTY ATTORNEY

COOPER, WHITE & COOPER, LLP

201 CALIFORNIA ST., 17TH FLR

SAN FRANCISCO CA 94111

Email: sbeatty@cwclaw.com

Status: APPEARANCE

BUD BEEBE

SACRAMENTO MUNICIPAL UTIL DIST

MS B257

6201 S ST

SACRAMENTO CA 95817-1899

Email: bbeebe@smud.org

Status: INFORMATION

C. SUSIE BERLIN ATTORNEY

MC CARTHY & BERLIN, LLP

100 PARK CENTER PLAZA, STE 501

SAN JOSE CA 95113

FOR: Northern California Power Agency

Email: sberlin@mccarthyllaw.com

Status: APPEARANCE

CLARK BERNIER

RLW ANALYTICS

1055 BROADWAY, STE G

SONOMA CA 95476

Email: clark.bernier@rlw.com

Status: INFORMATION

B. B. BLEVINS EXECUTIVE DIRECTOR

CALIFORNIA ENERGY COMMISSION

1516 9TH ST, MS-39

SACRAMENTO CA 95814

FOR: California Energy Commission

Email: bblevins@energy.state.ca.us

Status: STATE-SERVICE

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Total number of addressees: 352

GREG BLUE
140 MOUNTAIN PKWY.
CLAYTON CA 94517
Email: greg.blue@sbcglobal.net
Status: INFORMATION

WILLIAM H. BOOTH ATTORNEY
LAW OFFICES OF WILLIAM H. BOOTH
1500 NEWELL AVE, 5TH FLR
WALNUT CREEK CA 94596
FOR: California Large Energy Consumers Association
Email: wbooth@booth-law.com
Status: APPEARANCE

KYLE D. BOUDREAUX
FPL GROUP
700 UNIVERSE BLVD., JES/JB
JUNO BEACH FL 33408
Email: kyle_boudreaux@fpl.com
Status: INFORMATION

ANDREW BRADFORD SENIOR MARKET RESEARCH
ASSOCIATE
FELLON-MCCORD & ASSOCIATES
SUITE 2000
9960 CORPORATE CAMPUS DRIVE
LOUISVILLE KY 40223
Email: andrew.bradford@constellation.com
Status: INFORMATION

DOWNEY BRAND
JANE E. LUCKHARDT
555 CAPITOL MALL, 10TH FLR
SACRAMENTO CA 95814-4686
FOR: Sacramento Municipal
Status: APPEARANCE

ADAM BRIONES
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVE, 2ND FLR
BERKELEY CA 94704
Email: adamb@greenlining.org
Status: INFORMATION

DEBORAH BROCKETT CONSULTANT
NAVIGANT CONSULTING, INC.
SPEAR STREE TOWER, SUITE 1200
ONE MARKET ST
SAN FRANCISCO CA 94105
Email: dbrockett@navigantconsulting.com
Status: INFORMATION

ASHLEE M. BONDS
THELEN REID BROWN RAYSMAN&STEINER LLP
SUITE 1800
101 SECOND ST
SAN FRANCISCO CA 94105
Email: abonds@thelen.com
Status: INFORMATION

KEVIN BOUDREAUX
CALPINE POWER AMERICA-CA, LLC
717 TEXAS AVE, STE 1000
HOUSTON TX 77002
FOR: Calpine Power America
Email: kevin.boudreaux@calpine.com
Status: APPEARANCE

KAREN BOWEN ATTORNEY
WINSTON & STRAWN LLP
101 CALIFORNIA ST
SAN FRANCISCO CA 94111
FOR: Mirant California, LLC Mirant Delta, LLC, and Mirant
Potrero, LLC
Email: kbowen@winston.com
Status: APPEARANCE

DAVID BRANCHCOMB
BRANCHCOMB ASSOCIATES, LLC
9360 OAKTREE LANE
ORANGEVILLE CA 95662
Email: david@branchcomb.com
Status: INFORMATION

CLARE BREIDENICH
224 1/2 24TH AVE EAST
SEATTLE WA 98112
Email: cbreidenich@yahoo.com
Status: INFORMATION

GLORIA BRITTON
ANZA ELECTRIC COOPERATIVE, INC.
58470 HWY 371
PO BOX 391909
ANZA CA 92539
FOR: Anza Electric Cooperative Inc.
Email: GloriaB@anzaelectric.org
Status: APPEARANCE

DONALD BROOKHYSER
ALCANTAR & KAHL
1300 SW FIFTH AVE., STE 1750
PORTLAND OR 97210
FOR: Cogeneration Association of California
Email: deb@a-klaw.com
Status: APPEARANCE

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DOUGLAS BROOKS NEVADA POWER COMPANY
SIERRA PACIFIC POWER COMPANY
6226 WEST SAHARA AVE
LAS VEGAS NV 89151
Email: dbrooks@nevp.com
Status: INFORMATION

VERONIQUE BUGNION
POINT CARBON
205 SEVERN RIVER RD
SEVERNA PARK MD 21146
Email: vb@pointcarbon.com
Status: INFORMATION

PAM BURMICH
AIR RESOURCES BOAD
1001 I ST, BOX 2815
SACRAMENTO CA 95812
Email: pburmich@arb.ca.gov
Status: STATE-SERVICE

OLOF BYSTROM DIRECTOR, WESTERN ENERGY
CAMBRIDGE ENERGY RESEARCH ASSOCIATES
555 CALIFORNIA ST, 3RD FLR
SAN FRANCISCO CA 94104
Email: obystrom@cera.com
Status: INFORMATION

Andrew Campbell
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
505 VAN NESS AVE RM 5203
SAN FRANCISCO CA 94102-3214
Email: agc@cpuc.ca.gov
Status: STATE-SERVICE

IAN CARTER POLICY COORDINATOR-NORTH AMERICA
INTERNATIONAL EMISSIONS TRADING ASSN.
350 SPARKS ST, STE. 809
OTTAWA ON K1R 7S8 CANADA
FOR: International Emissions Trading Association
Email: carter@ieta.org
Status: APPEARANCE

PHIL CARVER
OREGON DEPARTMENT OF ENERGY
625 MARION ST., NE
SALEM OR 97301-3737
Email: Philip.H.Carver@state.or.us
Status: INFORMATION

ANDREW BROWN ATTORNEY
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H ST
SACRAMENTO CA 95814
FOR: Constellation New Energy, Inc., Constellation Energy
Commodities Group, Inc. Constellation Generation
Email: abb@eslawfirm.com
Status: APPEARANCE

JACK BURKE LEGISLATIVE AFFAIRS MANAGER
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
8690 BALBOA AVE., STE 100
SAN DIEGO CA 92123
Email: jack.burke@energycenter.org
Status: INFORMATION

DALLAS BURTRAW
1616 P ST, NW
WASHINGTON DC 20036
Email: burtraw@rff.org
Status: INFORMATION

Eugene Cadenasso
CALIF PUBLIC UTILITIES COMMISSION
RATEMAKING BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: cpe@cpuc.ca.gov
Status: STATE-SERVICE

TRENT A. CARLSON
RELIANT ENERGY
1000 MAIN ST
HOUSTON TX 77001
Email: tcarlson@reliant.com
Status: INFORMATION

SHERYL CARTER
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER ST, 20TH FLR
SAN FRANCISCO CA 94104
Email: scarter@nrdc.org
Status: INFORMATION

JENNIFER CHAMBERLIN
STRATEGIC ENERGY, LLC
2633 WELLINGTON CT.
CLYDE CA 94520
FOR: Strategic Energy, LLC
Email: jchamberlin@strategicenergy.com
Status: APPEARANCE

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AUDREY CHANG STAFF SCIENTIST
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER ST, 20TH FLR
SAN FRANCISCO CA 94104
Email: achang@nrdc.org
Status: APPEARANCE

WILLIAM H. CHEN
CONSTELLATION NEW ENERGY, INC.
SPEAR TOWER, 36TH FLOOR
ONE MARKET ST
SAN FRANCISCO CA 94105
Email: bill.chen@constellation.com
Status: APPEARANCE

ED CHIANG
ELEMENT MARKETS, LLC
ONE SUGAR CREEK CENTER BLVD., STE 250
SUGAR LAND TX 77478
Email: echiang@elementmarkets.com
Status: INFORMATION

STEVEN M. COHN ASSISTANT GENERAL COUNSEL
SACRAMENTO MUNICIPAL UTILITY DISTRICT
PO BOX 15830
SACRAMENTO CA 95852-1830
FOR: Sacramento Municipal Utility District
Email: scohn@smud.org
Status: APPEARANCE

ALAN COMNES
WEST COAST POWER
3934 SE ASH ST
PORTLAND OR 97214
Email: alan.comnes@nrgenergy.com
Status: INFORMATION

RICHARD COWART
REGULATORY ASSISTANCE PROJECT
50 STATE ST, STE 3
MONTPELIER VT 5602
Email: rapcowart@aol.com
Status: INFORMATION

HOLLY B. CRONIN STATE WATER PROJECT
OPERATIONS DIV
CALIFORNIA DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., LL-90
SACRAMENTO CA 95821
Email: hcronin@water.ca.gov
Status: STATE-SERVICE

CLIFF CHEN
UNION OF CONCERNED SCIENTIST
2397 SHATTUCK AVE, STE 203
BERKELEY CA 94704
Email: cchen@ucsusa.org
Status: APPEARANCE

BRIAN K. CHERRY DIRECTOR REGULATORY
RELATIONS
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, B10C
SAN FRANCISCO CA 94106
FOR: Pacific Gas and Electric Company
Email: bkc7@pge.com
Status: APPEARANCE

Theresa Cho
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
505 VAN NESS AVE RM 5207
SAN FRANCISCO CA 94102-3214
Email: tcx@cpuc.ca.gov
Status: STATE-SERVICE

KENNETH A. COLBURN
SYMBIOTIC STRATEGIES, LLC
26 WINTON ROAD
MEREDITH NH 3253
Email: kcolburn@symbioticstrategies.com
Status: INFORMATION

LISA A. COTTLE ATTORNEY
WINSTON & STRAWN LLP
101 CALIFORNIA ST, 39TH FLR
SAN FRANCISCO CA 94111
FOR: Mirant California, LLC, Mirant Delta, LLC, and Mirant
Potrero, LLC
Email: lcottle@winston.com
Status: APPEARANCE

BRIAN T. CRAGG ATTORNEY
GOODIN, MACBRIDE, SQUERI, RITCHIE & DAY
505 SANSOME ST, STE 900
SAN FRANCISCO CA 94111
FOR: Independent Energy Producers Association
Email: bcragg@goodinmacbride.com
Status: APPEARANCE

SEBASTIEN CSAPO PROJECT MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
MAIL CODE B9A
PO BOX 770000
SAN FRANCISCO CA 94177
Email: sscb@pge.com
Status: INFORMATION

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RAYMOND J. CZAHR, C.P.A. CHIEF FINANCIAL
OFFICER

WEST COAST GAS COMPANY

9203 BEATTY DRIVE
SACRAMENTO CA 95826
Email: westgas@aol.com
Status: APPEARANCE

KYLE L. DAVIS

PACIFICORP

825 NE MULTNOMAH,
PORTLAND OR 97232
FOR: PacifiCorp
Email: kyle.l.davis@pacificorp.com
Status: APPEARANCE

LISA DECARLO STAFF COUNSEL
CALIFORNIA ENERGY COMMISSION

1516 9TH ST MS-14
SACRAMENTO CA 95814
Email: ldecarlo@energy.state.ca.us
Status: STATE-SERVICE

PAUL DELANEY

AMERICAN UTILITY NETWORK (A.U.N.)

10705 DEER CANYON DRIVE
ALTA LOMA CA 91737
FOR: American Utility Network
Email: pssed@adelphia.net
Status: APPEARANCE

LEONARD DEVANNA EXECUTIVE VICE PRESIDENT
CLEAN ENERGY SYSTEMS, INC.

11330 SUNCO DRIVE, STE A
RANCHO CORDOVA CA 95742
FOR: Clean Energy Systems, Inc.
Email: lrdevanna-rf@cleanenergysystems.com
Status: APPEARANCE

WILLIAM F. DIETRICH ATTORNEY
DIETRICH LAW

2977 YGNACIO VALLEY ROAD, 613
WALNUT CREEK CA 94598-3535
Email: dietrichlaw2@earthlink.net
Status: INFORMATION

TREVOR DILLARD
SIERRA PACIFIC POWER COMPANY

PO BOX 10100
6100 NEIL ROAD, MS S4A50
RENO NV 89520
Email: tdillard@sierrapacific.com
Status: INFORMATION

THOMAS DARTON

PILOT POWER GROUP, INC.

9320 CHESAPEAKE DRIVE, STE 112
SAN DIEGO CA 92123
FOR: Pilot Power Group
Email: tdarton@pilotpowergroup.com
Status: APPEARANCE

Matthew Deal

CALIF PUBLIC UTILITIES COMMISSION

EXECUTIVE DIVISION
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: mjd@cpuc.ca.gov
Status: STATE-SERVICE

LISA M. DECKER

CONSTELLATION ENERGY GROUP, INC.

111 MARKET PLACE, STE 500
BALTIMORE MD 21202
FOR: Constellation New Energy, Inc.
Email: lisa.decker@constellation.com
Status: APPEARANCE

RALPH E. DENNIS DIRECTOR, REGULATORY AFFAIRS

FELLON-MCCORD & ASSOCIATES

CONSTELLATION NEWENERGY-GAS DIVISION
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE KY 40223
Email: ralph.dennis@constellation.com
Status: INFORMATION

BALDASSARO DI CAPO, ESQ.

CALIFORNIA ISO

LEGAL AND REGULATORY DEPARTMENT
151 BLUE RAVINE ROAD
FOLSOM CA 95630
Email: bdiapo@caiso.com
Status: APPEARANCE

THOMAS DILL PRESIDENT
LODI GAS STORAGE, L.L.C.

1021 MAIN ST STE 1500
HOUSTON TX 77002-6509
Email: trdill@westernhubs.com
Status: APPEARANCE

DANIEL W. DOUGLASS ATTORNEY

DOUGLASS & LIDDELL

21700 OXNARD ST, STE 1030
WOODLAND HILLS CA 91367
Email: douglass@energyattorney.com
Status: APPEARANCE

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Tim G. Drew

CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: zap@cpuc.ca.gov
Status: STATE-SERVICE

KIRBY DUSEL

NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, STE 600
RANCHO CORDOVA CA 95670
Email: kdusel@navigantconsulting.com
Status: INFORMATION

HARVEY EDER

PUBLIC SOLAR POWER COALITION
1218 12TH ST., 25
SANTA MONICA CA 90401
Email: harveyederpspc.org@hotmail.com
Status: INFORMATION

DENNIS M.P. EHLING ATTORNEY

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM
10100 SANTA MONICA BLVD., 7TH FLR
LOS ANGELES CA 90067
FOR: City of Vernon
Email: dehling@kling.com
Status: APPEARANCE

SANDRA ELY

NEW MEXICO ENVIRONMENT DEPARTMENT
1190 ST FRANCIS DRIVE
SANTA FE NM 87501
Email: Sandra.ely@state.nm.us
Status: INFORMATION

STEVE ENDO

DEPARTMENT OF WATER & POWER
150 S LOS ROBLES AVE., STE. 200
PASADENA CA 91101
Email: sendo@ci.pasadena.ca.us
Status: INFORMATION

DIANE I. FELLMAN ATTORNEY

LAW OFFICES OF DIANE I. FELLMAN
234 VAN NESS AVE
SAN FRANCISCO CA 94102
Email: diane_fellman@fpl.com
Status: INFORMATION

JASON DUBCHAK ASSOCIATE GENERAL COUNSEL
NISKA GAS STORAGE

1200 855 2ND ST, S.W.
CALGARY AB T2P 4Z5 CANADA
FOR: Wild Goose Storage, LLC
Email: jason.dubchak@niskags.com
Status: APPEARANCE

PIERRE H. DUVAIR

CALIFORNIA ENERGY COMMISSION
1516 NINTH ST, MS-41
SACRAMENTO CA 95814
Email: pduvair@energy.state.ca.us
Status: STATE-SERVICE

KAREN EDSON

151 BLUE RAVINE ROAD
FOLSOM CA 95630
Status: INFORMATION

SHAUN ELLIS

2183 UNION ST
SAN FRANCISCO CA 94123
Email: sellis@fypower.org
Status: INFORMATION

NADAV ENBAR

ENERGY INSIGHTS
1750 14TH ST, STE 200
BOULDER CO 80302
Email: nenbar@energy-insights.com
Status: INFORMATION

SAEED FARROKHPAY

FEDERAL ENERGY REGULATORY COMMISSION
110 BLUE RAVINE RD., STE 107
FOLSOM CA 95630
Email: saeed.farrokhpay@ferc.gov
Status: INFORMATION

Julie A. Fitch

CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
505 VAN NESS AVE RM 5119
SAN FRANCISCO CA 94102-3214
Email: jf2@cpuc.ca.gov
Status: STATE-SERVICE

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MICHEL FLORIO ATTORNEYS AT LAW
711 VAN NESS AVE., STE. 350
SAN FRANCISCO CA 94102
Email: mflorio@turn.org
Status: INFORMATION

ORLANDO B. FOOTE, III ATTORNEY
HORTON, KNOX, CARTER & FOOTE
895 BROADWAY, STE 101
EL CENTRO CA 92243
Email: ofoote@hkcf-law.com
Status: INFORMATION

KEVIN FOX
WILSON SONSINI GOODRICH & ROSATI
ONE MARKET ST, SPEAR TOWER, 3300
SAN FRANCISCO CA 94105
Email: kfox@wsgr.com
Status: INFORMATION

NORMAN J. FURUTA ATTORNEY
FEDERAL EXECUTIVE AGENCIES
1455 MARKET ST., STE 1744
SAN FRANCISCO CA 94103-1399
Email: norman.furuta@navy.mil
Status: INFORMATION

LAURA I. GENAO ATTORNEY
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE
ROSEMEAD CA 91770
Email: Laura.Genao@sce.com
Status: APPEARANCE

Anne Gillette
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: aeg@cpuc.ca.gov
Status: STATE-SERVICE

HOWARD V. GOLUB
NIXON PEABODY LLP
2 EMBARCADERO CENTER, STE. 2700
SAN FRANCISCO CA 94111
Email: hgolub@nixonpeabody.com
Status: INFORMATION

RYAN FLYNN
PACIFICORP
825 NE MULTNOMAH ST
PORTLAND OR 97232
Email: ryan.flynn@pacificorp.com
Status: APPEARANCE

JONATHAN FORRESTER
PG&E
MAIL CODE N13C
PO BOX 770000
SAN FRANCISCO CA 94177
Email: JDF1@PGE.COM
Status: INFORMATION

MATTHEW FREEDMAN ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE, STE 350
SAN FRANCISCO CA 94102
Email: freedman@turn.org
Status: INFORMATION

MICHELLE GARCIA
AIR RESOURCES BOARD
1001 I ST
SACRAMENTO CA 95814
Email: mgarcia@arb.ca.gov
Status: STATE-SERVICE

JULIE GILL EXTERNAL AFFAIRS MANAGER
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
151 BLUE RAVINE ROAD
FOLSOM CA 95630
FOR: CAISO
Email: jgill@caiso.com
Status: STATE-SERVICE

ANNETTE GILLIAM ATTORNEY
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE
ROSEMEAD CA 91770
FOR: Southern California Edison
Email: annette.gilliam@sce.com
Status: APPEARANCE

HAYLEY GOODSON ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE, STE 350
SAN FRANCISCO CA 94102
Email: hayley@turn.org
Status: INFORMATION

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Meg Gottstein
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 2106
SAN FRANCISCO CA 94102-3214
Email: meg@cpuc.ca.gov
Status: STATE-SERVICE

MEG GOTTSTEIN ADMINISTRATIVE LAW JUDGE
PO BOX 210/21496 NATIONAL ST
VOLCANO CA 95689
Email: gottstein@volcano.net
Status: STATE-SERVICE

JEFFREY P. GRAY
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY ST, STE 800
SAN FRANCISCO CA 94111-6533
FOR: Calpine Corporation
Email: jeffgray@dwf.com
Status: APPEARANCE

KAREN GRIFFIN EXECUTIVE OFFICE
CALIFORNIA ENERGY COMMISSION
1516 9TH ST, MS 39
SACRAMENTO CA 95814
Email: kgriffin@energy.state.ca.us
Status: STATE-SERVICE

ANN G. GRIMALDI
MCKENNA LONG & ALDRIDGE LLP
101 CALIFORNIA ST, 41ST FLR
SAN FRANCISCO CA 94111
FOR: Center for Energy and Economic Development
Email: agrimaldi@mckennalong.com
Status: APPEARANCE

YVONNE GROSS REGULATORY POLICY MANAGER
SEMPRA ENERGY
HQ08C
101 ASH ST
SAN DIEGO CA 92103
Email: ygross@sempraglobal.com
Status: INFORMATION

ELSTON K. GRUBAUGH
IMPERIAL IRRIGATION DISTRICT
333 EAST BARIONI BLVD.
IMPERIAL CA 92251
Email: ekgrubaugh@iid.com
Status: INFORMATION

JEFFREY L. HAHN
COVANTA ENERGY CORPORATION
876 MT. VIEW DRIVE
LAFAYETTE CA 94549
Email: jhahn@covantaenergy.com
Status: INFORMATION

TOM HAMILTON MANAGING PARTNER
ENERGY CONCIERGE SERVICES
321 MESA LILA RD
GLENDALE CA 91208
Email: THAMILTON5@CHARTER.NET
Status: INFORMATION

PETER W. HANSCHEN ATTORNEY
MORRISON & FOERSTER, LLP
101 YGNACIO VALLEY ROAD, STE 450
WALNUT CREEK CA 94596
Email: phansch@mofo.com
Status: INFORMATION

ARNO HARRIS
RECURRENT ENERGY, INC.
220 HALLECK ST., STE 220
SAN FRANCISCO CA 94129
Email: arno@recurrentenergy.com
Status: INFORMATION

JEFFERY D. HARRIS ATTORNEY
ELLISON, SCHNEIDER & HARRIS LLP
2015 H ST
SACRAMENTO CA 95814
FOR: LS Power Generation, LLC
Email: jdh@eslawfirm.com
Status: APPEARANCE

AUDRA HARTMANN
980 NINTH ST, STE 2130
SACRAMENTO CA 95814
Email: Audra.Hartmann@Dynegy.com
Status: INFORMATION

KERRY HATTEVIK
MIRANT CORPORATION
696 WEST 10TH ST
PITTSBURG CA 94565
FOR: Mirant Corporation
Email: kerry.hattevik@mirant.com
Status: APPEARANCE

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LYNN HAUG
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H ST
SACRAMENTO CA 95816
Email: lmh@eslawfirm.com
Status: INFORMATION

DAN HECHT
SEMPRA ENERGY
101 ASH ST
SAN DIEGO CA 92101
Email: dhecht@sempratrading.com
Status: APPEARANCE

TIM HEMIG
NRG ENERGY, INC.
1819 ASTON AVE, STE 105
CARLSBAD CA 92008
Email: tim.hemig@nrgenergy.com
Status: INFORMATION

CHRISTOPHER A. HILEN ASSISTANT GENERAL
COUNSEL
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO NV 89511
Email: chilen@sppc.com
Status: INFORMATION

GARY HINNERS
RELIANT ENERGY, INC.
PO BOX 148
HOUSTON TX 77001-0148
Email: ghinners@reliant.com
Status: INFORMATION

J. ANDREW HOERNER
REDEFINING PROGRESS
1904 FRANKLIN ST
OAKLAND CA 94612
Email: hoerner@redefiningprogress.org
Status: APPEARANCE

GEORGE HOPLEY
BARCLAYS CAPITAL
200 PARK AVE
NEW YORK NY 10166
Email: george.hopley@barcap.com
Status: INFORMATION

MARCEL HAWIGER
THE UTILITY REFORM NETWORK
711 VAN NESS AVE, STE 350
SAN FRANCISCO CA 94102
Email: marcel@turn.org
Status: APPEARANCE

RICHARD HELGESON
SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY
225 S. LAKE AVE., STE 1250
PASADENA CA 91101
FOR: Southern California Public Power Authority
Email: rhelgeson@scppa.org
Status: APPEARANCE

JOSEPH HENRI
31 MIRAMONTE ROAD
WALNUT CREEK CA 94597
Email: josephhenri@hotmail.com
Status: INFORMATION

DENISE HILL DIRECTOR
4004 KRUSE WAY PLACE, STE 150
LAKE OSWEGO OR 97035
FOR: Market Access & Trade Policy Transalta Energy
Marketing (US) Inc.
Email: Denise_Hill@transalta.com
Status: INFORMATION

ALDYN HOEKSTRA
PACE GLOBAL ENERGY SERVICES
420 WEST BROADWAY, 4TH FLR
SAN DIEGO CA 92101
Email: aldyn.hoekstra@paceglobal.com
Status: INFORMATION

Suzy Hong
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 5037
SAN FRANCISCO CA 94102-3214
Email: suh@cpuc.ca.gov
Status: STATE-SERVICE

RANDY S. HOWARD
LOS ANGELES DEPT. OF WATER AND POWER
111 NORTH HOPE ST, RM 921
LOS ANGELES CA 90012
Email: randy.howard@ladwp.com
Status: INFORMATION

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DAVID L. HUARD ATTORNEY
MANATT, PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD
LOS ANGELES CA 90064
FOR: Los Angeles County
Email: dhuard@manatt.com
Status: APPEARANCE

STEVEN HUUMAN
MORGAN STANLEY CAPITAL GROUP INC.
2000 WESTCHESTER AVE
PURCHASE NY 10577
Email: steven.huhman@morganstanley.com
Status: APPEARANCE

TAMLYN M. HUNT ENERGY PROGRAM DIRECTOR
COMMUNITY ENVIRONMENTAL COUNCIL
26 W. ANAPAMU ST., 2/F
SANTA BARBARA CA 93101
FOR: Community Environmental Council
Email: thunt@cecmail.org
Status: APPEARANCE

MICHAEL A. HYAMS POWER ENTERPRISE-
REGULATORY AFFAIRS
SAN FRANCISCO PUBLIC UTILITIES COMM
1155 MARKET ST., 4TH FLR
SAN FRANCISCO CA 94103
Email: mhyams@sflower.org
Status: INFORMATION

MWIRIGI IMUNGI
15615 ALTON PARKWAY
IRVINE CA 92618
Email: MImungi@energycoalition.org
Status: INFORMATION

BRUNO JEIDER
BURBANK WATER & POWER
164 WEST MAGNOLIA BLVD.
BURBANK CA 91502
Email: bjeider@ci.burbank.ca.us
Status: INFORMATION

LEILANI JOHNSON KOWAL
LOS ANGELES DEPT. OF WATER AND POWER
111 N. HOPE ST, RM 1050
LOS ANGELES CA 90012
Email: leilani.johnson@ladwp.com
Status: INFORMATION

JOHN P. HUGHES MANAGER, REGULATORY AFFAIRS
SOUTHERN CALIFORNIA EDISON COMPANY
601 VAN NESS AVE, STE. 2040
SAN FRANCISCO CA 94102
Email: john.hughes@sce.com
Status: APPEARANCE

LARRY HUNSAKER
AIR RESOURCES BOARD
1001 I ST
SACRAMENTO CA 95814
Email: lhunsake@arb.ca.gov
Status: INFORMATION

CAROL J. HURLOCK
CALIFORNIA DEPT. OF WATER RESOURCES
JOINT OPERATIONS CENTER
3310 EL CAMINO AVE. RM 300
SACRAMENTO CA 95821
Email: hurlock@water.ca.gov
Status: STATE-SERVICE

Judith Ikle
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE RM 4012
SAN FRANCISCO CA 94102-3214
FOR: Energy Resources Branch
Email: jci@cpuc.ca.gov
Status: STATE-SERVICE

AKBAR JAZAYEIRI DIRECTOR OF REVENUE &
TARRIFFS
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. RM 390
ROSEMEAD CA 91770
FOR: Southern California Edison Company
Email: akbar.jazayeri@sce.com
Status: APPEARANCE

JOHN JENSEN PRESIDENT
MOUNTAIN UTILITIES
PO BOX 205
KIRKWOOD CA 95646
FOR: Mountain Utilities
Email: jjensen@kirkwood.com
Status: APPEARANCE

BRIAN M. JONES
M. J. BRADLEY & ASSOCIATES, INC.
47 JUNCTION SQUARE DRIVE
CONCORD MA 1742
Email: bjones@mjbradley.com
Status: INFORMATION

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MARC D. JOSEPH
ADAMS BRADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD. STE 1000
SOUTH SAN FRANCISCO CA 94080
FOR: California Unions for Reliable Energy&Coalition of
California Utility Employees
Email: mdjoseph@adamsbradwell.com
Status: INFORMATION

Sara M. Kamins
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: smk@cpuc.ca.gov
Status: STATE-SERVICE

JOSEPH M. KARP ATTORNEY
WINSTON & STRAWN LLP
101 CALIFORNIA ST
SAN FRANCISCO CA 94111-5802
FOR: California Cogeneration Council
Email: jkarp@winston.com
Status: APPEARANCE

ADAM J. KATZ
MCDERMOTT WILL & EMERY LLP
600 13TH ST, NW.
WASHINGTON DC 20005
Email: ajkatz@mwe.com
Status: INFORMATION

CURTIS L. KEBLER
J. ARON & COMPANY
SUITE 2600
2121 AVE OF THE STARS
LOS ANGELES CA 90067
FOR: J. Aron
Email: curtis.kebler@gs.com
Status: APPEARANCE

CAROLYN M. KEHREIN
ENERGY MANAGEMENT SERVICES
1505 DUNLAP COURT
DIXON CA 95620-4208
Email: cmkehrein@ems-ca.com
Status: INFORMATION

STEVEN KELLY
INDEPENDENT ENERGY PRODUCERS ASSN
1215 K ST, STE 900
SACRAMENTO CA 95814-3947
Email: steven@iepa.com
Status: INFORMATION

EVELYN KAHL ATTORNEY
ALCANTAR & KAHL, LLP
120 MONTGOMERY ST, STE 2200
SAN FRANCISCO CA 94104
FOR: Energy Producers & Users Coalition
Email: ek@a-klaw.com
Status: APPEARANCE

CATHY KARLSTAD
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE.
ROSEMEAD CA 91770
Email: cathy.karlstad@sce.com
Status: INFORMATION

SUE KATELEY EXECUTIVE DIRECTOR
CALIFORNIA SOLAR ENERGY INDUSTRIES ASSN
PO BOX 782
RIO VISTA CA 94571
Email: info@calseia.org
Status: INFORMATION

JAMES W. KEATING
BP AMERICA, INC.
MAIL CODE 603-1E
150 W. WARRENVILLE RD.
NAPERVILLE IL 60563
Email: james.keating@bp.com
Status: INFORMATION

RANDALL W. KEEN ATTORNEY
MANATT PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD.
LOS ANGELES CA 90064
FOR: Los Angeles County
Email: rkeen@manatt.com
Status: INFORMATION

ALEXIA C. KELLY
THE CLIMATE TRUST
65 SW YAMHILL ST, STE 400
PORTLAND OR 97204
Email: akelly@climatetrust.org
Status: INFORMATION

KHURSHID KHOJA ASSOCIATE
THELEN REID BROWN RAYSMAN & STEINER
101 SECOND ST, STE 1800
SAN FRANCISCO CA 94105
Email: kkhoja@thelenreid.com
Status: INFORMATION

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KIM KIENER
504 CATALINA BLVD.
SAN DIEGO CA 92106
Email: kmkiener@fox.net
Status: INFORMATION

GREGORY KLATT ATTORNEY
DOUGLASS & LIDDELL
411 E. HUNTINGTON DRIVE, STE. 107-356
ARCADIA CA 91006
FOR: Alliance for Retail Energy Markets
Email: klatt@energyattorney.com
Status: APPEARANCE

TARA KNOX
AVISTA CORPORATION
PO BOX 3727
SPOKANE WA 99220
Status: APPEARANCE

AVIS KOWALEWSKI
CALPINE CORPORATION
3875 HOPYARD ROAD, STE 345
PLEASANTON CA 94588
Email: kowalewskia@calpine.com
Status: APPEARANCE

STEPHANIE LA SHAWN
PACIFIC GAS AND ELECTRIC COMPANY
MAIL CODE B9A
77 BEALE ST, RM. 996B
SAN FRANCISCO CA 94105
Email: S1L7@pge.com
Status: INFORMATION

Jonathan Lakritz
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 5020
SAN FRANCISCO CA 94102-3214
Email: jol@cpuc.ca.gov
Status: STATE-SERVICE

JOHN LAUN
APOGEE INTERACTIVE, INC.
1220 ROSECRANS ST., STE 308
SAN DIEGO CA 92106
Email: jlaun@apogee.net
Status: INFORMATION

DANIEL A. KING
SEMPRA ENERGY
101 ASH ST, HQ 12
SAN DIEGO CA 92101
Email: daking@sempra.com
Status: APPEARANCE

JOSEPH R. KLOBERDANZ
SAN DIEGO GAS & ELECTRIC
PO BOX 1831
SAN DIEGO CA 92112
Email: jkloberdanz@semprautilities.com
Status: APPEARANCE

GREGORY KOISER
CONSTELLATION NEW ENERGY, INC.
350 SOUTH GRAND AVE, STE 3800
LOS ANGELES CA 90071
FOR: Constellation New Energy
Email: gregory.koiser@constellation.com
Status: APPEARANCE

LARS KVALE
CENTER FOR RESOURCE SOLUTIONS
PRESIDIO BUILDING 97
PO BOX 39512
SAN FRANCISCO CA 94129
Email: lars@resource-solutions.org
Status: APPEARANCE

GERALD L. LAHR
ABAG POWER
101 EIGHTH ST
OAKLAND CA 94607
FOR: Association of Bay Area Governments
Email: JerryL@abag.ca.gov
Status: INFORMATION

MIKE LAMOND
ALPINE NATURAL GAS OPERATING CO. #1 LLC
PO BOX 550
VALLEY SPRINGS CA 95252
Email: anginc@goldrush.com
Status: APPEARANCE

Diana L. Lee
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 4300
SAN FRANCISCO CA 94102-3214
Email: dil@cpuc.ca.gov
Status: APPEARANCE

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BRENDA LEMAY DIRECTOR OF PROJECT
DEVELOPMENT
HORIZON WIND ENERGY
1600 SHATTUCK, STE 222
BERKELEY CA 94709
Email: brenda.lemay@horizonwind.com
Status: INFORMATION

NICHOLAS LENSSSEN
ENERGY INSIGHTS
1750 14TH ST, STE 200
BOULDER CO 80302
Email: nlenssen@energy-insights.com
Status: INFORMATION

DONALD C. LIDDELL, P.C.
DOUGLASS & LIDDELL
2928 2ND AVE
SAN DIEGO CA 92103
Email: liddell@energyattorney.com
Status: INFORMATION

STEVEN G. LINS
CITY OF GLENDALE
OFFICE OF THE CITY ATTORNEY
613 EAST BROADWAY, STE 220
GLENDALE CA 91206-4394
Email: slins@ci.glendale.ca.us
Status: INFORMATION

BILL LOCKYER STATE ATTORNEY GENERAL
STATE OF CALIFORNIA, DEPT OF JUSTICE
PO BOX 944255
SACRAMENTO CA 94244-2550
Email: ken.alex@doj.ca.gov
Status: STATE-SERVICE

JODY S. LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND CA 94609
Email: jody_london_consulting@earthlink.net
Status: INFORMATION

BARRY LOVELL
15708 POMERADO RD., STE 203
POWAY CA 92064
Email: bjl@bry.com
Status: INFORMATION

MAUREEN LENNON
CALIFORNIA COGENERATION COUNCIL
595 EAST COLORADO BLVD., STE 623
PASADENA CA 91101
FOR: California Cogeneration Council
Email: maureen@lennonassociates.com
Status: APPEARANCE

JOHN W. LESLIE ATTORNEY
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL, STE 200
SAN DIEGO CA 92130
Email: jleslie@luce.com
Status: INFORMATION

KAREN LINDH
LINDH & ASSOCIATES
7909 WALERGA ROAD, NO. 112, PMB 119
ANTELOPE CA 95843
Email: karen@klindh.com
Status: INFORMATION

GRACE LIVINGSTON-NUNLEY ASSISTANT PROJECT
MANAGER
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A
SAN FRANCISCO CA 94177
Email: gxl2@pge.com
Status: INFORMATION

James Loewen
CALIF PUBLIC UTILITIES COMMISSION
RATEMAKING BRANCH
320 WEST 4TH ST STE 500
LOS ANGELES CA 90013
Email: loe@cpuc.ca.gov
Status: STATE-SERVICE

LAD LORENZ V.P. REGULATORY AFFAIRS
SOUTHERN CALIFORNIA GAS COMPANY
601 VAN NESS AVE, STE 2060
SAN FRANCISCO CA 94102
Email: llorenz@semprautilities.com
Status: APPEARANCE

ED LUCHA PROJECT COORDINATOR
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE: B9A
SAN FRANCISCO CA 94177
Email: ell5@pge.com
Status: INFORMATION

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FRANK LUCHETTI
NEVADA DIV. OF ENVIRONMENTAL PROTECTION
901 S. STEWART ST., STE 4001
CARSON CITY NV 89701
Email: fluchetti@ndep.nv.gov
Status: INFORMATION

LYNELLE LUND
COMMERCE ENERGY, INC.
600 ANTON BLVD., STE 2000
COSTA MESA CA 92626
FOR: Commerce Energy, Inc.
Email: llund@commerceenergy.com
Status: APPEARANCE

MARY LYNCH
CONSTELLATION ENERGY COMMODITIES GROUP
2377 GOLD MEDAL WAY
GOLD RIVER CA 95670
Email: mary.lynch@constellation.com
Status: APPEARANCE

DOUGLAS MACMULLLEN CHIEF, POWER PLANNING
SECTION
CA DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., RM 356
SACRAMENTO CA 95821
Email: dmacmll@water.ca.gov
Status: INFORMATION

Jaclyn Marks
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
505 VAN NESS AVE RM 5306
SAN FRANCISCO CA 94102-3214
Email: jm3@cpuc.ca.gov
Status: STATE-SERVICE

JULIE L. MARTIN WEST ISO COORDINATOR
NORTH AMERICA GAS AND POWER
BP ENERGY COMPANY
501 WESTLAKE PARK BLVD.
HOUSTON TX 77079
Email: julie.martin@bp.com
Status: INFORMATION

CHRISTOPHER J. MAYER
MODESTO IRRIGATION DISTRICT
1231 11TH ST
MODESTO CA 95354
Email: chrism@mid.org
Status: INFORMATION

JANE E. LUCKHARDT ATTORNEY
DOWNEY BRAND LLP
555 CAPITOL MALL, 10TH FLR
SACRAMENTO CA 95814
FOR: Sacramento Municipal Utility District
Email: jluckhardt@downeybrand.com
Status: APPEARANCE

PHILIP D. LUSK
WESTERN ELECTRICITY COORDINATING COUNCIL
615 ARAPEEN DRIVE, STE 210
SALT LAKE CITY UT 84108-1262
Email: plusk@wecc.biz
Status: INFORMATION

BILL LYONS
CORAL POWER, LLC
4445 EASTGATE MALL, STE 100
SAN DIEGO CA 92121
FOR: Coral Power LLC
Email: Bill.Lyons@shell.com
Status: APPEARANCE

ANNABELLE MALINS CONSUL-SCIENCE AND
TECHNOLOGY
BRITISH CONSULATE-GENERAL
ONE SANSOME ST, STE 850
SAN FRANCISCO CA 94104
Email: annabelle.malins@fco.gov.uk
Status: INFORMATION

CHRIS MARNAY
BERKELEY LAB
1 CYCLOTRON RD MS 90R4000
BERKELEY CA 94720-8136
Email: C_Marnay@1b1.gov
Status: INFORMATION

MARTIN A. MATTES
NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP
50 CALIFORNIA ST, 34TH FLR
SAN FRANCISCO CA 94111
Email: mmattes@nossaman.com
Status: INFORMATION

MICHAEL MAZUR CHIEF TECHNICAL OFFICER
3 PHASES ENERGY SERVICES, LLC
2100 SEPULVEDA BLVD., STE 38
MANHATTAN BEACH CA 90266
FOR: 3 Phases Energy Services
Email: mmazur@3phases.com
Status: APPEARANCE

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ANDREW MCALLISTER DIRECTOR OF OPERATIONS
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
8690 BALBOA AVE., STE 100
SAN DIEGO CA 92123
Email: andrew.mcallister@energycenter.org
Status: INFORMATION

BARRY F. MCCARTHY ATTORNEY
MCCARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, STE 501
SAN JOSE CA 95113
FOR: Northern California Generation Coalition
Email: bmcc@mccarthyllaw.com
Status: APPEARANCE

MICHAEL MCCORMICK
CALIFORNIA CLIMATE ACTION REGISTRY
515 S. FLOWER ST. STE 1640
LOS ANGELES CA 90071
Email: mike@climateregistry.org
Status: INFORMATION

KAREN MCDONALD
POWEREX CORPORATION
1400,
666 BURRAND ST
VANCOUVER BC V6C 2X8 CANADA
Email: karen.mcdonald@powerex.com
Status: INFORMATION

JEN MCGRAW
CENTER FOR NEIGHBORHOOD TECHNOLOGY
PO BOX 14322
SAN FRANCISCO CA 94114
Email: jen@cnt.org
Status: INFORMATION

RACHEL MCMAHON
CEERT
1100 11TH ST, STE 311
SACRAMENTO CA 95814
Email: rachel@ceert.org
Status: INFORMATION

ELENA MELLO
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO NV 89520
Email: emello@sppc.com
Status: INFORMATION

RICHARD MCCANN, PH.D
M. CUBED
2655 PORTAGE BAY, STE 3
DAVIS CA 95616
Email: rmccann@umich.edu
Status: INFORMATION

Wade McCartney
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
770 L ST, STE 1050
SACRAMENTO CA 95814
Email: wsm@cpuc.ca.gov
Status: STATE-SERVICE

KEITH R. MCCREA ATTORNEY
SUTHERLAND, ASBILL & BRENNAN, LLP
1275 PENNSYLVANIA AVE., NW
WASHINGTON DC 20004-2415
FOR: California Manufacturers & Technology Assn.
Email: keith.mccrea@sablaw.com
Status: APPEARANCE

MARY MCDONALD DIRECTOR OF STATE AFFAIRS
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
151 BLUE RAVINE ROAD
FOLSOM CA 95630
FOR: CAISO
Status: STATE-SERVICE

BRUCE MCLAUGHLIN
BRAUN & BLAISING, P.C.
915 L ST, STE 1420
SACRAMENTO CA 95814
FOR: California Municipal Utilities Association
Email: mclaughlin@braunlegal.com
Status: APPEARANCE

BRIAN MCQUOWN
RELIANT ENERGY
7251 AMIGO ST., STE 120
LAS VEGAS NV 89119
Email: bmcquown@reliant.com
Status: INFORMATION

STEVEN S. MICHEL
WESTERN RESOURCE ADVOCATES
2025 SENDA DE ANDRES
SANTA FE NM 87501
FOR: Western Resource Advocates
Email: smichel@westernresources.org
Status: APPEARANCE

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DAVID R MILLER ENERGY AND CLIMATE CONSULTANT
TETRA TECH EM INC.
135 MAIN ST, STE 1800
SAN FRANCISCO CA 94105
Email: dave.millar@ttemi.com
Status: INFORMATION

SAMARA MINDEL REGULATORY AFFAIRS ANALYST
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE KY 40223
Email: asmindel@knowledgeinenergy.com
Status: INFORMATION

DAVID L. MODISSETTE EXECUTIVE DIRECTOR
CALIFORNIA ELECTRIC TRANSP. COALITION
1015 K ST, STE 200
SACRAMENTO CA 95814
Email: dave@ppallc.com
Status: INFORMATION

ROGER C. MONTGOMERY VICE PRESIDENT, PRICING
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS NV 89193-8510
Email: roger.montgomery@swgas.com
Status: APPEARANCE

GREGG MORRIS
GREEN POWER INSTITUTE
2039 SHATTUCK AVE, STE 402
BERKELEY CA 94704
Email: gmorris@emf.net
Status: APPEARANCE

STEVEN MOSS
SAN FRANCISCO COMMUNITY POWER COOP
2325 3RD ST, STE 344
SAN FRANCISCO CA 94120
Email: steven@moss.net
Status: INFORMATION

PHILLIP J. MULLER
SCD ENERGY SOLUTIONS
436 NOVA ALBION WAY
SAN RAFAEL CA 94903
Email: philm@scdenergy.com
Status: INFORMATION

KAREN NORENE MILLS ATTORNEY
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO CA 95833
Email: kmills@cbbf.com
Status: INFORMATION

CYNTHIA MITCHELL
ENERGY ECONOMICS, INC.
530 COLGATE COURT
RENO NV 89503
Email: ckmitchell1@sbcglobal.net
Status: INFORMATION

Ed Moldavsky
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 5130
SAN FRANCISCO CA 94102-3214
Email: edm@cpuc.ca.gov
Status: STATE-SERVICE

RONALD MOORE
GOLDEN STATE WATER/BEAR VALLEY ELECTRIC
630 EAST FOOTHILL BLVD
SAN DIMAS CA 91773
FOR: Golden State Water/Bear Valley Electric
Email: rkmoore@gswater.com
Status: APPEARANCE

Harvey Y. Morris
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 5036
SAN FRANCISCO CA 94102-3214
Email: hym@cpuc.ca.gov
Status: STATE-SERVICE

Lainie Motamedi
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
505 VAN NESS AVE RM 5119
SAN FRANCISCO CA 94102-3214
Email: lrm@cpuc.ca.gov
Status: STATE-SERVICE

CLYDE MURLEY
1031 ORDWAY ST
ALBANY CA 94706
Email: clyde.murley@comcast.net
Status: INFORMATION

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ERIN M. MURPHY
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH ST, NW
WASHINGTON DC 20005
FOR: Morgan Stanley/Barclays Capital/J. Aron
Email: emmurphy@mwe.com
Status: APPEARANCE

SARA STECK MYERS ATTORNEY
122 28TH AVE
SAN FRANCISCO CA 94121
FOR: Center for Energy Efficiency and Renewable
Technologies
Email: ssmyers@att.net
Status: APPEARANCE

SID NEWSOME TARIFF MANAGER
SOUTHERN CALIFORNIA GAS COMPANY
GT 14 D6
555 WEST 5TH ST
LOS ANGELES CA 90051
Email: snewsom@semprautilities.com
Status: APPEARANCE

RICK C. NOGER
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, STE 400
WILMINGTON DE 19808
FOR: Praxair Plainfield, Inc.
Email: rick_noger@praxair.com
Status: APPEARANCE

TIMOTHY R. ODIL
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE ST, STE 200
DENVER CO 80202
FOR: Center for Energy and Economic Development
Email: todil@mckennalong.com
Status: APPEARANCE

JOSEPH M. PAUL SENIOR CORPORATE COUNSEL
DYNEGY, INC.
2420 CAMINO RAMON, STE 215
SAN RAMON CA 94583
Email: Joe.paul@dynegy.com
Status: INFORMATION

NORMAN A. PEDERSEN ATTORNEY
HANNA AND MORTON, LLP
444 SOUTH FLOWER ST, NO. 1500
LOS ANGELES CA 90071
FOR: Southern California Generation Coalition
Email: npedersen@hanmor.com
Status: APPEARANCE

Scott Murtishaw
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: sgm@cpuc.ca.gov
Status: STATE-SERVICE

JESSICA NELSON
PLUMAS-SIERRA RURAL ELECTRIC CO-OP
73233 STATE ROUTE 70, STE A
PORTOLA CA 96122-7064
FOR: Plumas-Sierra Rural Electric Coop
Email: notice@psrec.coop
Status: APPEARANCE

SEPHRA A. NINOW POLICY ANALYST
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
8690 BALBOA AVE, STE 100
SAN DIEGO CA 92123
Email: sephra.ninow@energycenter.org
Status: INFORMATION

RITA NORTON
RITA NORTON AND ASSOCIATES, LLC
18700 BLYTHSWOOD DRIVE,
LOS GATOS CA 95030
Email: rita@ritanortonconsulting.com
Status: INFORMATION

LAURIE PARK
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, STE 600
RANCHO CORDOVA CA 95670-6078
Email: lpark@navigantconsulting.com
Status: INFORMATION

CARL PECHMAN
POWER ECONOMICS
901 CENTER ST
SANTA CRUZ CA 95060
Email: cpechman@powereconomics.com
Status: INFORMATION

ROGER PELOTE
WILLIAMS POWER COMPANY
12736 CALIFA ST
VALLEY VILLAGE CA 91607
Email: roger.pelote@williams.com
Status: INFORMATION

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JAN PEPPER
CLEAN POWER MARKETS, INC.
PO BOX 3206
418 BENVENUE AVE
LOS ALTOS CA 94024
Email: pepper@cleanpowermarkets.com
Status: INFORMATION

CARLA PETERMAN
UCEI
2547 CHANNING WAY
BERKELEY CA 94720
Email: carla.peterman@gmail.com
Status: INFORMATION

ROBERT L. PETTINATO
LOS ANGELES DEPARTMENT OF WATER & POWER
111 NORTH HOPE ST, STE 1150
LOS ANGELES CA 90012
Email: robert.pettinato@ladwp.com
Status: INFORMATION

Paul S. Phillips
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
505 VAN NESS AVE RM 4101
SAN FRANCISCO CA 94102-3214
Email: psp@cpuc.ca.gov
Status: STATE-SERVICE

JENNIFER PORTER POLICY ANALYST
CALIFORNIA CENTER FOR SUSTAINABLE ENERGY
8690 BALBOA AVE, STE 100
SAN DIEGO CA 92123
Email: jennifer.porter@energycenter.org
Status: INFORMATION

RASHA PRINCE
SAN DIEGO GAS & ELECTRIC
555 WEST 5TH ST, GT14D6
LOS ANGELES CA 90013
Email: rprince@semprautilities.com
Status: INFORMATION

BALWANT S. PUREWAL
DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., LL-90
SACRAMENTO CA 95821
Email: bpurewal@water.ca.gov
Status: INFORMATION

Joel T. Perlstein
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 5133
SAN FRANCISCO CA 94102-3214
Email: jtp@cpuc.ca.gov
Status: STATE-SERVICE

COLIN PETHERAM DIRECTOR-REGULATORY
SBC CALIFORNIA
140 NEW MONTGOMERY ST., STE 1325
SAN FRANCISCO CA 94105
Email: colin.petheram@att.com
Status: INFORMATION

PHILIP D. PETTINGILL
CALIFORNIA INDEPENDENT SYSTEM OPERATOR
151 BLUE RAVINE ROAD
FOLSOM CA 95630
FOR: CAISO
Email: ppettingill@caiso.com
Status: STATE-SERVICE

EDWARD G POOLE
ANDERSON DONOVAN & POOLE
601 CALIFORNIA ST STE 1300
SAN FRANCISCO CA 94108
FOR: San Francisco Community Power
Email: epoole@adplaw.com
Status: APPEARANCE

BRIAN POTTS
SUITE 700
ONE SOUTH PINCKNEY ST
MADISON WI 53703
Email: bhpotts@michaelbest.com
Status: INFORMATION

JJ PRUCNAL
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS NV 89193-8510
Email: jj.prucnal@swgas.com
Status: INFORMATION

BARRY RABE
1427 ROSS ST
PLYMOUTH MI 48170
Email: brabe@umich.edu
Status: INFORMATION

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STEVE RAHON DIRECTOR, TARIFF & REGULATORY
ACCOUNTS

SAN DIEGO GAS & ELECTRIC COMPANY

8330 CENTURY PARK COURT, CP32C
SAN DIEGO CA 92123-1548

FOR: San Diego Gas & Electric Company
Email: lschavrien@semprautilities.com
Status: APPEARANCE

TIFFANY RAU POLICY AND COMMUNICATIONS
MANAGER

CARSON HYDROGEN POWER PROJECT LLC

ONE WORLD TRADE CENTER, STE 1600
LONG BEACH CA 90831-1600

FOR: Carson Hydrogen Power Project LLC
Email: tiffany.rau@bp.com
Status: APPEARANCE

JANILL RICHARDS DEPUTY ATTORNEY GENERAL

CALIFORNIA ATTORNEY GENERAL'S OFFICE

1515 CLAY ST, 20TH FLR
OAKLAND CA 94702

FOR: People of the State of California
Email: janill.richards@doj.ca.gov
Status: APPEARANCE

Steve Roscow

CALIF PUBLIC UTILITIES COMMISSION

RATEMAKING BRANCH

505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214

Email: scr@cpuc.ca.gov
Status: STATE-SERVICE

JAMES ROSS

RCS, INC.

500 CHESTERFIELD CENTER, STE 320
CHESTERFIELD MO 63017

Email: jimross@r-c-s-inc.com
Status: INFORMATION

SAM SADLER

OREGON DEPARTMENT OF ENERGY

625 NE MARION ST
SALEM OR 97301-3737

Email: samuel.r.sadler@state.or.us
Status: INFORMATION

SOUMYA SASTRY

PACIFIC GAS AND ELECTRIC COMPANY

MAIL CODE B9A
PO BOX 770000
SAN FRANCISCO CA 94177

Email: sv56@pge.com
Status: INFORMATION

Kristin Ralff Douglas

CALIF PUBLIC UTILITIES COMMISSION

DIVISION OF STRATEGIC PLANNING

505 VAN NESS AVE RM 5119
SAN FRANCISCO CA 94102-3214

Email: krd@cpuc.ca.gov
Status: STATE-SERVICE

JOHN R. REDDING

ARCTURUS ENERGY CONSULTING

44810 ROSEWOOD TERRACE
MENDOCINO CA 95460

Email: johnredding@earthlink.net
Status: INFORMATION

THEODORE ROBERTS ATTORNEY

SEMPRA GLOBAL

101 ASH ST, HQ 13D
SAN DIEGO CA 92101-3017

FOR: Sempra Global/Sempra Energy Solutions
Email: troberts@sempra.com
Status: APPEARANCE

GRANT ROSENBLUM, ESQ.

CALIFORNIA ISO

LEGAL AND REGULATORY DEPARTMENT

151 BLUE RAVINE ROAD
FOLSOM CA 95630

Email: grosenblum@caiso.com
Status: INFORMATION

Nancy Ryan

CALIF PUBLIC UTILITIES COMMISSION

EXECUTIVE DIVISION

505 VAN NESS AVE RM 5217
SAN FRANCISCO CA 94102-3214

Email: ner@cpuc.ca.gov
Status: STATE-SERVICE

JUDITH B. SANDERS ATTORNEY

CALIFORNIA INDEPENDENT SYSTEM OPERATOR

151 BLUE RAVINE ROAD
FOLSOM CA 95630

FOR: CAISO
Email: jsanders@caiso.com
Status: STATE-SERVICE

JANINE L. SCANCARELLI ATTORNEY

FOLGER, LEVIN & KAHN, LLP

275 BATTERY ST, 23RD FLR
SAN FRANCISCO CA 94111

Email: jscancarelli@flk.com
Status: INFORMATION

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MICHAEL SCHEIBLE DEPUTY EXECUTIVE OFFICER
CALIFORNIA AIR RESOURCES BOARD
1001 I ST
SACRAMENTO CA 95677
FOR: California Air Resources Board
Email: mscheibl@arb.ca.gov
Status: STATE-SERVICE

STEVEN SCHILLER
SCHILLER CONSULTING, INC.
111 HILLSIDE AVE
PIEDMONT CA 94611
Email: steve@schiller.com
Status: INFORMATION

REED V. SCHMIDT VICE PRESIDENT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVE
BERKELEY CA 94703
FOR: California City-County Street Light Association
Email: rschmidt@bartlewells.com
Status: INFORMATION

CYNTHIA SCHULTZ REGULATORY FILING
COORDINATOR
PACIFIC POWER AND LIGHT COMPANY
825 NE MULTNOMAH
PORTLAND OR 97232
Email: cynthia.schultz@pacificorp.com
Status: APPEARANCE

LISA SCHWARTZ SENIOR ANALYST
ORGEON PUBLIC UTILITY COMMISSION
PO BOX 2148
SALEM OR 97308-2148
Email: lisa.c.schwartz@state.or.us
Status: INFORMATION

PAUL M. SEBY
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE ST, STE 200
DENVER CO 80202
FOR: Center for Energy and Economic Development
Email: pseby@mckennalong.com
Status: APPEARANCE

NORA SHERIFF ATTORNEY
ALCANTAR & KAHL, LLP
120 MONTGOMERY ST, STE 2200
SAN FRANCISCO CA 94104
Email: nes@a-klaw.com
Status: INFORMATION

JENINE SCHENK
APS ENERGY SERVICES
400 E. VAN BUREN ST, STE 750
PHOENIX AZ 85004
FOR: APS Energy Services Company
Email: jenine.schenk@apses.com
Status: APPEARANCE

STEVEN S. SCHLEIMER DIRECTOR, COMPLIANCE &
REGULATORY AFFAIRS
BARCLAYS BANK, PLC
200 PARK AVE, FIFTH FLR
NEW YORK NY 10166
FOR: Barclays Capital
Email: steven.schleimer@barclayscapital.com
Status: APPEARANCE

BILL SCHRAND
SOUTHWEST GAS CORPORATON
PO BOX 98510
LAS VEGAS NV 89193-8510
Email: bill.schrand@swgas.com
Status: INFORMATION

Don Schultz
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
770 L ST, STE 1050
SACRAMENTO CA 95814
Email: dks@cpuc.ca.gov
Status: STATE-SERVICE

MONICA A. SCHWEBS, ESQ.
BINGHAM MCCUTCHEEN LLP
SUITE 210
1333 N. CALIFORNIA BLVD.
WALNUT CREEK CA 94596
Email: monica.schwebs@bingham.com
Status: INFORMATION

BETTY SETO POLICY ANALYST
KEMA, INC.
492 NINTH ST, STE 220
OAKLAND CA 94607
Email: Betty.Seto@kema.com
Status: INFORMATION

KYLE SILON
ECOSECURITIES CONSULTING LIMITED
529 SE GRAND AVE
PORTLAND OR 97214
Email: kyle.silon@ecosecurities.com
Status: INFORMATION

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DAN SILVERIA
SURPRISE VALLEY ELECTRIC COOPERATIVE
PO BOX 691
ALTURAS CA 96101
FOR: Surprise Valley Electric Cooperative
Email: dansvec@hdo.net
Status: APPEARANCE

DEBORAH SLON DEPUTY ATTORNEY GENERAL,
ENVIRONMENT
OFFICE OF THE ATTORNEY GENERAL
1300 I ST, 15TH FLR
SACRAMENTO CA 95814
Email: deborah.slone@doj.ca.gov
Status: STATE-SERVICE

Donald R. Smith
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
505 VAN NESS AVE RM 4209
SAN FRANCISCO CA 94102-3214
Email: dsh@cpuc.ca.gov
Status: STATE-SERVICE

RICHARD SMITH
MODESTO IRRIGATION DISTRICT
1231 11TH ST
MODESTO CA 95352-4060
Email: richards@mid.org
Status: INFORMATION

JEANNE M. SOLE DEPUTY CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM. 234
SAN FRANCISCO CA 94102
FOR: City and County of San Francisco
Email: jeanne.sole@sfgov.org
Status: APPEARANCE

JAMES D. SQUERI ATTORNEY
GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP
505 SANSOME ST, STE 900
SAN FRANCISCO CA 94111
FOR: Powerex Corp.
Email: jsqueri@gmssr.com
Status: APPEARANCE

ANNIE STANGE
ALCANTAR & KAHL
1300 SW FIFTH AVE., STE 1750
PORTLAND OR 97201
Email: sas@a-klaw.com
Status: INFORMATION

KEVIN J. SIMONSEN
ENERGY MANAGEMENT SERVICES
646 EAST THIRD AVE
DURANGO CO 81301
Email: kjsimonsen@ems-ca.com
Status: INFORMATION

AIMEE M. SMITH ATTORNEY
SEMPRA ENERGY
101 ASH ST HQ13
SAN DIEGO CA 92101
Email: amsmith@sempra.com
Status: INFORMATION

GLORIA D. SMITH
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., STE 1000
SOUTH SAN FRANCISCO CA 94080
Email: gsmith@adamsbroadwell.com
Status: INFORMATION

ROBIN SMUTNY-JONES
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM CA 95630
Email: rsmutny-jones@caiso.com
Status: INFORMATION

DARRELL SOYARS MANAGER-RESOURCE
PERMITTING&STRATEGIC
SIERRA PACIFIC RESOURCES
6100 NEIL ROAD
RENO NV 89520-0024
FOR: Sierra Pacific Resources
Email: dsoyars@sppc.com
Status: INFORMATION

SEEMA SRINIVASAN ATTORNEY
ALCANTAR & KAHL, LLP
120 MONTGOMERY ST, STE 2200
SAN FRANCISCO CA 94104
FOR: Energy Producers & Users Coalition
Email: sls@a-klaw.com
Status: APPEARANCE

Merideth Sterkel
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: mts@cpuc.ca.gov
Status: STATE-SERVICE

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F. Jackson Stoddard
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
505 VAN NESS AVE RM 5125
SAN FRANCISCO CA 94102-3214
Email: fjs@cpuc.ca.gov
Status: APPEARANCE

NINA SUETAKE ATTORNEY
THE UTILITY REFORM NETWORK
711 VAN NESS AVE., STE 350
SAN FRANCISCO CA 94102
Email: nsuetake@turn.org
Status: APPEARANCE

George S. Tagnipes
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: jst@cpuc.ca.gov
Status: STATE-SERVICE

WEBSTER TASAT
AIR RESOURCES BOARD
1001 I ST
SACRAMENTO CA 95814
Email: wtasat@arb.ca.gov
Status: INFORMATION

KAREN TERRANOVA
ALCANTAR & KAHL, LLP
120 MONTGOMERY ST, STE 2200
SAN FRANCISCO CA 94104
Email: filings@a-klaw.com
Status: INFORMATION

DEAN R. TIBBS PRESIDENT
ADVANCED ENERGY STRATEGIES, INC.
1390 WILLOW PASS ROAD, STE 610
CONCORD CA 94520
Email: dtibbs@aes4u.com
Status: INFORMATION

SCOTT TOMASHEFSKY
NORTHERN CALIFORNIA POWER AGENCY
180 CIRBY WAY
ROSEVILLE CA 95678-6420
Email: scott.tomashefsky@ncpa.com
Status: INFORMATION

MERIDITH J. STRAND SENIOR COUNSEL
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS NV 89193-8510
Email: meridith.strand@swgas.com
Status: INFORMATION

KENNY SWAIN
POWER ECONOMICS
901 CENTER ST
SANTA CRUZ CA 95060
Email: kswain@powereconomics.com
Status: INFORMATION

Christine S. Tam
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
505 VAN NESS AVE RM 4209
SAN FRANCISCO CA 94102-3214
Email: tam@cpuc.ca.gov
Status: STATE-SERVICE

Charlotte TerKeurst
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 5117
SAN FRANCISCO CA 94102-3214
Email: cft@cpuc.ca.gov
Status: STATE-SERVICE

PATRICIA THOMPSON
SUMMIT BLUE CONSULTING
2920 CAMINO DIABLO, STE 210
WALNUT CREEK CA 94597
Email: pthompson@summitblue.com
Status: INFORMATION

EDWARD J. TIEDEMANN ATTORNEY
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
400 CAPITOL MALL, 27TH FLR
SACRAMENTO CA 95814-4416
FOR: Placer County Water Agency & Kings River
Conservation District
Email: etiedemann@kmtg.com
Status: INFORMATION

ALLEN K. TRIAL
SDGE&SCG
HQ-13
101 ASH ST
SAN DIEGO CA 92101
Email: atrial@sempra.com
Status: APPEARANCE

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ANN L. TROWBRIDGE ATTORNEY
DAY CARTER & MURPHY, LLP
3620 AMERICAN RIVER DRIVE, STE 205
SACRAMENTO CA 95864
FOR: California Clean DG Coalition
Email: atrowbridge@daycartermurphy.com
Status: APPEARANCE

ANDREW J. VAN HORN
VAN HORN CONSULTING
12 LIND COURT
ORINDA CA 94563
Email: andy.vanhorn@vhcenergy.com
Status: INFORMATION

EDWARD VINE
LAWRENCE BERKELEY NATIONAL LABORATORY
BUILDING 90-4000
BERKELEY CA 94720
Email: elvine@lbl.gov
Status: INFORMATION

DEVRA WANG
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER ST, 20TH FLR
SAN FRANCISCO CA 94104
Email: dwang@nrdc.org
Status: INFORMATION

CHRISTOPHER J. WARNER
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, PO BOX 7442
SAN FRANCISCO CA 94120-7442
FOR: Pacific Gas and Electric
Email: cjlw5@pge.com
Status: APPEARANCE

LISA WEINZIMER CALIFORNIA ENERGY REPORTER
PLATTS
695 NINTH AVE, NO. 2
SAN FRANCISCO CA 94118
Email: lisa_weinzimer@platts.com
Status: INFORMATION

JOHN B. WELDON, JR.
SALMON, LEWIS & WELDON, P.L.C.
2850 EAST CAMELBACK ROAD, STE 200
PHOENIX AZ 85016
FOR: Salt River Project Agricultural Improvement and
Power District
Email: jbw@slwplc.com
Status: APPEARANCE

ANDREW ULMER STAFF COUNSEL
CALIFORNIA DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE, STE 120
SACRAMENTO CA 95821
Email: aulmer@water.ca.gov
Status: STATE-SERVICE

ROGER VAN HOY
MODESTO IRRIGATION DISTRICT
1231 11TH ST
MODESTO CA 95354
Email: rogerv@mid.org
Status: INFORMATION

SYMONE VONGDEUANE
SEMPRA ENERGY SOLUTIONS
101 ASH ST, HQ09
SAN DIEGO CA 92101-3017
FOR: Sempra Energy Solutions
Email: svongdeuane@semprasolutions.com
Status: APPEARANCE

ERIC WANLESS
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER ST, 20TH FLR
SAN FRANCISCO CA 94104
Email: ewanless@nrdc.org
Status: INFORMATION

JOY A. WARREN ATTORNEY
MODESTO IRRIGATION DISTRICT
1231 11TH ST
MODESTO CA 95354
Email: joyw@mid.org
Status: APPEARANCE

VIRGIL WELCH CLIMATE CAMPAIGN COORDINATOR
ENVIRONMENTAL DEFENSE
1107 9TH ST, STE 540
SACRAMENTO CA 95814
Email: vwelch@environmentaldefense.org
Status: APPEARANCE

ANDREA WELLER
STRATEGIC ENERGY
3130 D BALFOUR RD., STE 290
BRENTWOOD CA 94513
FOR: Strategic Energy
Email: aweller@sel.com
Status: APPEARANCE

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Pamela Wellner
CALIF PUBLIC UTILITIES COMMISSION
ENERGY RESOURCES BRANCH
505 VAN NESS AVE AREA 4-A
SAN FRANCISCO CA 94102-3214
Email: pw1@cpuc.ca.gov
Status: STATE-SERVICE

ELIZABETH WESTBY
ALCANTAR & KAHL, LLP
1300 SW FIFTH AVE, STE 1750
PORTLAND OR 97201
Email: egw@a-klaw.com
Status: INFORMATION

WILLIAM W. WESTERFIELD, 111 ATTORNEY
ELLISON, SCHNEIDER & HARRIS L.L.P.
2015 H ST
SACRAMENTO CA 95814
FOR: Sierra Pacific Power Company
Email: www@eslawfirm.com
Status: APPEARANCE

S. NANCY WHANG ATTORNEY
MANATT, PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD.
LOS ANGELES CA 90064
Email: nwhang@manatt.com
Status: INFORMATION

GREGGORY L. WHEATLAND ATTORNEY
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H ST
SACRAMENTO CA 95814
FOR: LS Power, Inc.
Email: glw@eslawfirm.com
Status: APPEARANCE

JOSEPH F. WIEDMAN ATTORNEY
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME ST, STE 900
SAN FRANCISCO CA 94111
Email: jwiedman@goodinmacbride.com
Status: INFORMATION

KATHRYN WIG PARALEGAL
NRG ENERGY, INC.
211 CARNEGIE CENTER
PRINCETON NY 8540
Email: Kathryn.Wig@nrgenergy.com
Status: INFORMATION

VALERIE J. WINN
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, B9A
SAN FRANCISCO CA 94177-0001
Email: vjw3@pge.com
Status: INFORMATION

RYAN WISER
BERKELEY LAB
MS-90-4000
ONE CYCLOTRON ROAD
BERKELEY CA 94720
Email: rhwiser@lbl.gov
Status: INFORMATION

ELLEN WOLFE
RESERO CONSULTING
9289 SHADOW BROOK PL.
GRANITE BAY CA 95746
Email: ewolfe@resero.com
Status: INFORMATION

DON WOOD
PACIFIC ENERGY POLICY CENTER
4539 LEE AVE
LA MESA CA 91941
Email: dwood8@cox.net
Status: APPEARANCE

CATHY S. WOOLLUMS
MIDAMERICAN ENERGY HOLDINGS COMPANY
106 EAST SECOND ST
DAVENPORT IA 52801
Email: cswoollums@midamerican.com
Status: INFORMATION

E.J. WRIGHT
OCCIDENTAL POWER SERVICES, INC.
5 GREENWAY PLAZA, STE 110
HOUSTON TX 77046
Email: ej_wright@oxy.com
Status: APPEARANCE

HUGH YAO
SOUTHERN CALIFORNIA GAS COMPANY
555 W. 5TH ST, GT22G2
LOS ANGELES CA 90013
Email: hyao@semprautilities.com
Status: INFORMATION

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MICHAEL A. YUFFEE

MCDERMOTT WILL & EMERY LLP

600 THIRTEENTH ST, NW

WASHINGTON DC 20005-3096

FOR: Morgan Stanley Capital Group Inc/Barclays Capital/J.
Aron

Email: myuffee@mwe.com

Status: APPEARANCE

ELIZABETH ZELLJADT

1725 I ST, NW STE 300

WASHINGTON DC 20006

Email: ez@pointcarbon.com

Status: INFORMATION